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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA,

ON THE FIRST MONDAY IN DECEMBER, 1843.

Tuscaloosa:

JOHN M'CORMICK, STATE PRINTER,

.....

1844.



JOURNAL

OF THE

SENATE.

TUSCALOOSA, MONDAY, DECEMBER 4th, 1843.

On Monday, the fourth day of December, A. D. one thousand eight hundred and forty-three, being the first Monday in said month, the day fixed by law for the annual meeting of General Assembly of the State of Alabama, at Tuscaloosa, the following members of the Senate appeared in the Senate chamber of the State Capitol, and took their seats, to wit:

From the Senatorial district composed of the counties of
BLOUNT AND MARSHALL—Mace T. P. Brindley.
CHEROKEE AND DE KALB—Arthur Foster.
FRANKLIN—Benjamin Hudson.
LAUDERDALE—Hugh McVay.
MORGAN AND WALKER—Milton McClanahan.
PICKENS—Peyton King.
BENTON—Thomas A. Walker.
CLARKE, BALDWIN AND WASHINGTON—Girard W. Creigh.
LIMESTONE—Nathaniel Terry.
MADISON—William Fleming.
MONROE AND CONECUH—John Watkins.
PERRY—Richard B. Walthall.

On motion of the Hon. Mr. Fleming, the Hon. Mr. Dent was called to the chair, and George B. Clitherall requested to act as Secretary *pro tem*.

The chair then by proclamation called upon the Senators elected since the last session of the Legislature, to come forward; whereupon, the fol-

lowing Senators presented themselves at the desk, were severally qualified, and took their seats, to wit:

From the Senatorial district composed of
TUSCALOOSA—Dennis Dent.
SUMTER—John Anthony Winston.
BIBB AND SHELBY—Daniel E. Watrous.
FAYETTE AND MARION—E. Marchbanks.
TALLADEGA—John W. Bishop.
JACKSON—Thomas Wilson.
JEFFERSON AND ST CLAIR—M. Kelly.
LAWRENCE—Tandy W. Walker.

There being a quorum present, the Senate then, on motion, proceeded to the election of a presiding officer

The Hon. *Nathaniel Terry*, of Limestone, alone being in nomination, was voted for by all present, to wit:—Messrs. Bishop, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Walker of Benton, Walker of Lawrence, Walshall, Watkins, Watrous, Wilson, Winston and Yancey.

Whereupon, the chair declared the Hon. Mr. Terry duly, constitutionally and unanimously elected President of the Senate until the first day of August next.

Mr. Terry was then conducted to the chair, whence he made his acknowledgments to the Senate, was qualified, and forthwith entered upon the duties of his office.

On motion of Mr. King, seconded by Mr. Creagh, the following resolution was adopted.

Resolved, That in consequence of the absence of so large a portion of the Senate, and in order that justice may be meted to the several candidates, the Senate postpones until to-morrow the election of its subaltern officers.

On motion the Senate then adjourned until ten o'clock to-morrow.

Attest,

GEO. B CLITHERALL,
 Secretary pro tem. of the Senate.

SENATE CHAMBER, TUESDAY, DECEMBER 5TH, 1843.

The minutes of yesterday, were read and approved.

The Hon. James Ward, Senator from the Senatorial district composed of the counties of Henry, Covington, Coffee and Dale, appeared, was qualified, and took his seat.

The Hon. James Burney, from the Senatorial district of Lowndes, appeared, was qualified, and took his seat.

On motion of the Hon. Mr. Dent, the Senate proceeded to the election of principal Secretary.

Mr. Hudson placed in nomination the name of Major *George B Clitherrall*.

Mr. Yancey nominated Captain *William J. Couch*.

Those who voted for *Mr. Clitherall*, are messrs. President, Brindley, Creagh, Fleming, Hudson, Marchbanks, McClanahan, Ward, Watkins and Winston.

Those who voted for *Mr. Couch*, are messrs. Bishop, Burney, Dent, Kelly, King, Walker of Benton, Walker of L. Watrous, Wilson and Yancey.

Neither having received a majority, the Senate proceeded to ballot a second time.

Those who voted for *Mr. Clitherall*, are messrs. President, Creagh, Fleming, Hudson, Marchbanks, McClanahan, Ward, Watkins and Winston—9.

Those who voted for *Mr. Couch*, are messrs. Bishop, Brindley, Burney, Dent, Kelly, King, Walker of B. Walker of L. Watrous, Wilson and Yancey—11.

Mr. Couch having received a majority of all the votes given, was declared duly elected Secretary of the Senate, was qualified, and entered on the discharge of the duties of his office.

The Senate then proceeded to the election of Assistant Secretary of the Senate,—the names of *Mr. C. P. Farrar*, *John G. Barr*, *T. C. Scales*, *Thomas Crawford*, *J. L. Kennon*, *H. P. Douthitt*, and *Henry McVay* being in nomination.

Those who voted for *Mr. Farrar*, are messrs. Brindley, Fleming, Foster, Kelly, Ward and Wilson.

Those who voted for *Mr. Barr*, are messrs. President, Hudson, Watkins and Yancey.

Those who voted for *Mr. Scales*, are messrs. Bishop, Creagh and Walthall.

Those who voted for *Mr. Crawford*, are messrs. Burney, King and Watrous.

Those who voted for *Mr. Kennon*, are Mr. Winston.

Those who voted for *Mr. Douthitt*, are messrs. Dent and Walker of B.

Those who voted for *Mr. McVay*, are messrs. Marchbanks, McClanahan, and Walker of Lawrence.

There being no election, the Senate proceeded to a second ballot.

Those who voted for *Mr. Farrar*, are messrs. Brindley, Fleming, Foster, Kelly, Ward and Wilson.

Those who voted for *Mr. Barr*, are Messrs. President, Dent, Hudson, Watkins, and Yancey.

Those who voted for *Mr. Douthitt*, are Messrs. Walker of Benton.

Those who voted for *Mr. Kennon*, are Messrs. Winston.

Those who voted for *Mr. Crawford*, are Messrs. Burney, King and Watrous.

Those who voted for *Mr. McVay*, are Messrs. Marchbanks, McClanahan and Walker of L.

Those who voted for *Mr. Scales*, are Messrs. Bishop, Creagh, and Walthall.

There being no election, the Senate proceeded to a third ballot.

Those who voted for *Mr. Farrar*, are Messrs. Brindley, Fleming, Foster, Kelly, Ward, and Wilson.

Those who voted for *Mr. Barr*, are Messrs. President, Dent, Hudson, Watkins, and Yancey.

Those who voted for *Mr. Douthitt*, are Messrs. Walker of Benton.

Those who voted for *Mr. Kennon*, are Messrs. Winston.

Those who voted for *Mr. Crawford*, are Messrs. Burney, King and Watrous.

Those who voted for *Mr. McVay*, are Messrs. Marchbanks, McClanahan, and Walker of L.

Those who voted for *Mr. Scales*, are messrs. Bishop, Creagh, and Walthall.

There being no election, the Senate proceeded to the fourth ballot.

Those who voted for *Mr. Farrar*, are messrs. Brindley, Fleming, Foster, Kelly, Ward, and Wilson.

Those who voted for *Mr. Barr*, are messrs. President, Dent, Hudson, Watkins, and Yancey.

Those who voted for *Mr. Douthitt*, are messrs. Walker, of B.

Those who voted for *Mr. Kennon*, are messrs. Winston.

Those who voted for *Mr. Crawford*, are messrs. Burney, King and Watrous.

Those who voted for *Mr. McVay*, are messrs. Marchbanks, McClanahan, and Walker, of L.

Those who voted for *Mr. Scales*, are messrs. Bishop, Creagh, and Walthall.

There being no election, the Senate proceeded a fifth time to ballot.

Those who voted for *Mr. Farrar*, are messrs. Brindley, Fleming, Foster, Kelly, Ward, and Wilson.

Those who voted for *Mr. Barr*, are messrs. President, Dent, Hudson, and Watkins.

Those who voted for *Mr. Crawford*, are messrs. Burney, King, and Watrous.

Those who voted for *Mr. Kennon*, are messrs. Winston.

Those who voted for *Mr. McVay*, are messrs. Marchbanks, McClanahan, Walker of B., and Walker of L.

Those who voted for *Mr. Scales*, are messrs. Bishop, Creagh, and Walthall.

There being no election, and the names of *Mr. Douthitt* and *Kennon*, being withdrawn, the Senate proceeded to a sixth ballot.

Those who voted for *Mr. Farrar*, are messrs. Brindley, Fleming, Foster, Kelly, Ward, and Wilson.

Those who voted for *Mr. Barr*, are messrs. President, Dent, Hudson, Watkins and Winston.

Those who voted for *Mr. Crawford*, are messrs. Burney, King, Watrous and Yancey.

Those who voted for *Mr. McVay*, are messrs. Marchbanks, McClanahan, Walker of B. and Walker of L.

Those who voted for *Mr. Scales*, are messrs. Bishop, Creagh, and Walthall.

There being no election, the Senate proceeded to a seventh ballot—

Mr. *Clitherall's* name being in nomination, and that of Mr. *Seales* having been withdrawn.

Those who voted for Mr. *Farrar*, are messrs. Ward.

Those who voted for Mr. *Barr*, are messrs. Dent, Foster and Winston.

Those who voted for Mr. *Crawford*, are messrs. Burney, King and Watrous. *Yancey*

Those who voted for Mr. *Clitherall*, are messrs. President, Bishop, Brindley, Creagh, Fleming, Kelly, Walthall, Watkins, Wilson and Yancey.

Those who voted for Mr. *McVay*, are messrs. Marchbanks, McClanahan, Walker of B. and Walker of L.

There being no election, the Senate proceeded to an eighth ballot:

Mr. Ward voted for Mr. *Farrar*.

Those who voted for Mr. *Barr*, are messrs. Dent and Hudson.

Those who voted for Mr. *Clitherall*, are messrs. President, Bishop, Brindley, Burney, Creagh, Fleming, Foster, Kelly, Walthall, Watkins, Wilson, Winston and Yancey.

Those who voted for Mr. *Crawford*, are Messrs. King and Watrous.

Those who voted for Mr. *McVay*, are messrs. Marchbanks, McClanahan, Walker of B. and Walker of L.

Mr. *Clitherall* having received a majority of the votes given, was declared duly elected Assistant Secretary of the Senate, was qualified, and entered upon the discharge of the duties of his office.

On motion, the Senate next proceeded to the election of Doorkeeper — *A. R. Thomas, J. Tatom, Washington Barton, — Robinson*, and *L. R. Lawler*, being in nomination.

Those who voted for Mr. *Thomas*, are messrs. Burney, Creagh, Dent, Foster, Hudson, Walthall, Ward, Wilson and Winston. *Yancey*

Those who voted for Mr. *Tatom*, are messrs. President, Brindley, Fleming, Marchbanks, McClanahan, and Walker of L.

Mr. Kelley voted for Mr. *Barton*.

Mr. King voted for Mr. *Robinson*.

Those who voted for Mr. *Lawler*, are messrs. Bishop, Walker of B. Watkins and Watrous.

There being no election, the Senate proceeded to ballot a second time:

Those who voted for Mr. *Thomas*, are messrs. Burney, Creagh, Dent, Foster, Hudson, Walthall, Ward, Watkins, Winston and Yancey.

Those who voted for Mr. *Tatom*, are messrs. President, Brindley, Fleming, Marchbanks, McClanahan, and Walker of L.

Mr. King voted for Mr. *Robinson*.

Mr. Kelly voted for Mr. *Kelly*.

Those who voted for Mr. *Lawler*, are messrs. Bishop, Walker of B. Watrous and Wilson.

There being no election, and the names of Mr. *Barton* and *Robinson* having being withdrawn, the Senate proceeded to ballot a third time.

Those who voted for *Mr. Thomas*, are messrs. Burney, Creagh, Dent, Foster, Hudson, Kelly, King, Walthall, Ward, Watkins, Watrous, Winston, and Yancev.

Those who voted for *Mr. Tatom*, are messrs. President, Brindley, Fleming, Marchbanks, McClanahan, and Walker, of L.

Those who voted for *Mr. Lawler*, are messrs. Bishop, Waiker, of B., and Wilson.

Mr. Thomas having received a majority of all the votes given, was declared duly elected Doorkeeper for the Senate, was qualified, and entered on the discharge of the duties of his office.

A message from the House of Representatives, by Mr. Clitherall, assistant clerk:

Mr. President—The House of Representatives has organized, by electing the Hon. Andrew B. Moore, of Perry, as Speaker, Joseph Phelan, of Tuscaloosa, Principal Clerk, Alexander B. Clitherall, of Pickens, Assistant Clerk, Wilson C. Bibb, of Madison, Engrossing Clerk, James H. Owen, of Tuscaloosa, Doorkeeper, and are now ready to proceed to business.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That the standing rules of the Senate, adopted for their government at the last session, shall be adopted for their government at the present session, until otherwise ordered.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That the Chair appoint the usual standing committees, and report the same to the Senate as soon as convenient.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has appointed Messrs. Douglass, Frazier, and Bridges, to act with such committee as may be appointed on the part of the Senate to wait on His Excellency the Governor, and inform him that the two Houses have organized, and are ready to proceed to business.

Mr. McClanahan offered the following resolution:

Resolved, That a committee of three be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House to wait on His Excellency the Governor, and inform him of the organization of the two Houses, and ascertain when it will suit his convenience to make his annual communication.

Which resolution was adopted.

Mr. President appointed Messrs. McClanahan, Fleming, and Hudson said committee.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That with the consent of the House, the two Houses will assemble in the Hall of the House of Representatives, on Saturday the ninth instant, for the purpose of going into the election of a Judge of the county court of the county of Franklin.

The joint committee appointed to wait on the Governor, reported that he would make his annual communication this day, at twelve o'clock.

The following message was received from the Governor by the hands of his private Secretary, Mr. Harrison:

EXECUTIVE DEPARTMENT,
TUSCALOOSA, DECEMBER 5TH, 1843.

*Gentlemen of the Senate
 and of the House of Representatives:*

You have assembled in pursuance of the requirements of law, and in accordance with the forms of the Constitution, to deliberate upon such measures as you may think best calculated to promote the interest of the State; and to enact such laws as you conceive will conduce most to the happiness and prosperity of her people.

Being charged with these high duties, and thus constituted the agents of a free people by their own voluntary act, nothing can be more gratifying to us, than the reflection, that the confiding expectations of those we represent, have been fully requited; and although many of the causes which tended to create great anxiety in the minds of the people throughout the State, before the meeting of the last General Assembly, have passed away by the action of that body, it is still apparent, that at least a portion of the subjects, upon which you now necessarily have to act; will excite an intense solicitude in the minds of the community.

Though many traces are yet perceptible in some portions of the State, of the embarrassment of former years, induced by the reckless spirit of speculation, and the undue expansion of an unsound paper circulation, we have still abundant cause to congratulate the country upon the extinction of a large portion of the debt contracted during those periods, and upon that laudable industry and economy, which, for some time past, have pervaded the almost entire population of the State. Generally, our people have enjoyed the inestimable blessings of health, and the soil, under the smiles of a kind Providence, has yielded a just reward to labor and industry.

In the enjoyment of so many blessings, we should not permit the present occasion to pass, without returning our thanks to the great Ruler of the Universe, for these and other favors, which we have received at His hands.

That part of the act of the last session of the General Assembly, requiring the Governor to receive proposals for the printing and binding of the Digest prepared by the Honorable C. C. Clay, has been complied with. M. D. J. Slade proposed doing the work, and to deliver in this place, the three thousand copies required in the act, by the first of this month, at seven dollars and fourteen cents per page, for the number of pages contained in one volume.

Being the lowest bidder, and tendering good security for the faithful execution of the work, he was awarded the contract, in pursuance of the provisions of the act. J. Withers Clay, Esq., was appointed to superintend the printing of the Digest, in place of the Hon. C. C. Clay, who declined that duty. The books have just reached here, but as yet, I have not had time sufficient, to examine them.

In conformity with the provisions of the act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, approved

13th February, 1843, I directed the Solicitor of the Circuit in which the Bank was situated, to file an information in the nature of a *quo warranto* against the Bank, before the Judge of the circuit court of said circuit, or the Judge of the county court of Mobile county. The Solicitor performed that duty with promptness, and on the 27th of March last, at a special term held by the Judge of the circuit court, the charter of the Bank was, by the decision of said court, declared to be forfeited. In that decision the Stockholders seem, without appeal, to have acquiesced, since which the institution has been in process of liquidation as prescribed by law.

As directed by the act putting the several Branch Banks in liquidation, I appointed, at the close of the last session, the two Commissioners for each Bank, to examine and value the real estate. Partial returns by the Commissioners of the valuation of the real estate owned by the Mobile and Decatur Branches were made in time to enable me, by and with the advice of the boards of these Banks, to offer for sale a large portion of the real estate owned by these two Branches.

The sale of the real estate owned by the Branch Bank at Mobile, which was advertised to take place in November last, has been postponed until the eighteenth of this month. It was the opinion of the President and Directors of that Branch, that the latter was a more auspicious period than the former, to offer the property for sale, which was the reason for the postponement.

The valuation of all the real estate owned by the Branch Bank at Mobile, has not been fully completed in consequence of the serious indisposition of the Commissioners during the past summer and fall. Both the Commissioners have recently resigned. The vacancies will be filled as soon suitable individuals can be selected, and the valuation completed, it is hoped, at the earliest day practicable.

The indisposition of one of the Commissioners, appointed to value the real estate owned by the Decatur Branch, has, I understand, retarded the completion of the valuation of the real estate held by that Branch. Whether or not, the valuation is yet fully completed, I am not at this time, advised.

Full returns have been received of the valuation made by the Commissioners of the real estate, belonging to the Huntsville and Montgomery Branch Banks. The board at Huntsville have informed me that they do not consider the present a favorable time to offer the property for sale, and the return of the valuation from the Branch at Montgomery has been so recently received, that I have not had the time to confer with the board on the subject of offering for sale the property owned by that institution.

In compliance with the Joint Resolutions of the Senate and House of Representatives, in regard to the Expense Accounts of the Bank of the State of Alabama and its several Branches, approved fourteenth February, one thousand eight hundred and forty-three, authorizing the Governor at any time after the twentieth of that month, to appoint the Commissioners provided for under the act, approved twelfth January

one thousand eight hundred and thirty-three, for the examination of the Bank of the State of Alabama and its several Branches; as soon as it was practicable to do so, the Commissioners were appointed, and instructed to make a special examination into the expense account alone, and to report the result of their examination to this Department, at the earliest day convenient. That duty the Commissioners have performed, and in accordance with the requirements of the resolutions, I have examined the several reports, and after much reflection, on the various items embraced, directed the institution of suits for the recovery of the money in the State Bank, and the Branches at Huntsville and Decatur, which I considered expended without legal authority, or without equitable circumstances to excuse it.

The items of expenditure reported as illegal, from the Branch at Montgomery, were nearly all excused, or justified by the Commissioners, and the amounts not excused or justified, were so inconsiderable, that I deemed suit unnecessary; and have therefore, declined ordering suit on any items embraced in that report.

A very large portion, if not the largest amount of illegal expenditures reported from the Mobile Branch Bank, are not of that character, which would authorize me, as I conceive, under the resolutions to order suit for their recovery.

Believing that none of the expenditures, reported as illegal, for which the resolutions confer on me the power to direct suit, will be affected by the statute of limitations, before the ensuing Spring Courts, I have for the present, declined ordering suit, on any items embraced in that report.

The reports, embracing as they do, all the extra expenses of the five Banks, for a period of more than six years, and the resolutions constituting as they do, the Executive, the sole judge of both the law, and all circumstances of an equitable character, which would justify, in his estimation, all or any of those extra allowances, have thrown upon this Department duties, both responsible and delicate. Some of the reports present instances of alleged improper expenditure of money in some of the Bank; but not of that character, as before remarked, that would authorize me to order suit for its recovery under those resolutions. And as I have ordered suit for the recovery of some few items, and declined directing suit for items of a similar character in other cases, from a doubt of my power under the report of the Commissioners to do so, I deem it my duty to lay all the reports, and copies of the several orders which I have made for suit, before your honorable bodies, for such action as you may deem best, or such instructions as you may feel inclined to give, for suit in any of the cases in which I have declined ordering suit to be instituted.

The latter clause of the last resolution declares all allowances and appropriations, made during the last session of the Legislature, by the Branch Bank at Mobile illegal, and makes it the duty of the Governor to order suit to be instituted for the recovery of the money. A copy of the allowances and appropriations during the period specified, was

obtained from the Bank, and suits ordered to be instituted against those who constituted the board, when those allowances and appropriations were made.

The ninth section of the act "to regulate the State Bank, and for other purposes," makes it the duty of the President of that Bank, under the direction and control of the Governor, to take the necessary measures for the extension of the State bonds payable in eighteen hundred and forty-four. In obedience to the provisions of the above section, in the early part of the present year, I gave that officer the necessary instructions to extend the payment of the bonds specified, until the first day of June, one thousand eight hundred and fifty, reserving to the State the right further to extend their payment, if it should be the pleasure of the State hereafter to do so.

The extension, as I am informed by the President, is not yet fully completed, but he assures me that he entertains no doubt of its being effected in a short time.

As directed by the acts liquidating the several Branches, the President and Directors of the Bank of the State of Alabama, in the presence of the Governor, and Secretary of State, at different periods, during the present year, have destroyed (by burning) bills of the different Branches, amounting to five million thirty-six thousand six hundred and ninety-seven dollars, and bank impressions amounting to seven million thirteen thousand four hundred and twenty-eight dollars.

The board of the State Bank, as I am informed, have, in like manner destroyed, six hundred and nine thousand four hundred and sixteen dollars, in the bills of that institution.

The amount paid the Directors of the State Bank, I do not consider a fair compensation for their services. In addition to the business of that Bank, which is equal to that of either of the Branches, if we except the Mobile Branch, the board of the State Bank, have to superintend the responsible duty of paying the interest on the entire State debt, and to receive, register and destroy the redeemed circulation of the four Branches. In discharging the various duties required of the board, much labor, as well as responsibility, is thrown upon the President, and especially in paying the interest due on our foreign debt. The salary which is now paid that officer is, as I conceive, not fully commensurate with his services. I am also satisfied that the number of Directors in the State Bank could with great propriety be reduced, and I recommend that the number be reduced to four, and that the amount to be paid the Directors, as well as the President, be increased to such sum, to each, as the wisdom of your honorable bodies may think just.

The act passed at the close of the last session of the Legislature, authorizing the President and Directors to place the bad and doubtful debts due the Banks in the several counties, in the hands of Attorneys to be appointed by the board for that purpose, has certainly diminished to a considerable extent their labors; at least enough so, as I conceive, to fully justify the General Assembly, as well on the score of economy, as the utter absence of any necessity for the present number, in reduc-

ing it. Constituting the Cashier, *ex-officio*, a Director, with the President, and one Director, will, I think, make a board entirely sufficient to manage the business of each Branch. In all the Branches, except the one in Mobile, there is quite an inequality in the salaries of the Presidents and Directors, while the Presidents in the other three Branches, have to perform all the duties required of the Directors, and discharge in addition, others incident to those officers, from which the Directors are exempt, the President actually receives less compensation than the Directors. Consequently, I recommend that the amount of compensation allowed to the Presidents and Directors, be at least the same, and that two of the Directors in each Branch be dispensed with, and the board constituted as I have suggested.

The last Legislature having failed to provide any additional compensation to the agent appointed to urge upon Congress the payment of the moneys heretofore made by the State; upon claims growing out of the late Creek Indian hostilities, he declined returning to the City of Washington to superintend the settlement of those claims. The act of Congress, approved sixteenth August, one thousand eight hundred and forty-two, provides that duly authenticated copies of papers, which may have been lost or destroyed, upon proof of such loss or destruction, shall be received as evidence of the amount heretofore paid by the State. Many of those papers, I fear, have been lost or destroyed, and to substitute others, as required in the act, will be attended with both trouble and expense. There is a large amount justly due from the Federal Government to the State, but to obtain all or any portion of it, will require both the time and labor of a special agent. All that our delegation in Congress could do towards effecting payment from the United States Government, unquestionably has been done. By allowing to a competent agent a reasonable per cent. on the amount to be collected, it is probable the just claims of the State might be speedily adjusted. I have brought this subject to your notice for such action as your honorable bodies may think best.

I deem it proper again to bring to the notice of the General Assembly the mode of paying sheriffs and jailers for the support of prisoners in the several counties. The whole amount paid to those and other officers on claims of this character, under the various appropriations of the last session, amounted to the sum of near ten thousand dollars, by which you will perceive that that item is not inconsiderable in itself in forming the aggregate of the annual expenses of the State. I consider the most equitable mode that could be adopted in paying these demands, would be to require the county in which the offence was committed, to provide a special fund, out of which such claims should be paid under the control of the Judge of the county court and Commissioners, with power to judge of their correctness, and to order their payment. If, however, it be the settled policy of the State to pay these claims as heretofore, their justness should be established before the presiding Judge of the circuit court, or in some other form to be prescribed, and certified to the Comptroller, who should be required to pay them out of a

fund to be appropriated for that purpose. The legislation now annually necessary, would thereby be dispensed with, besides diminishing to some extent your labors, as well as avoiding the expense incident to it.

I must again direct your attention to the law regulating the salary of the Adjutant and Inspector General. It is vague and indefinite as to the amount of compensation that he shall receive. I recommend that the General Assembly define more particularly the duties for which he shall receive a *per diem* allowance, independent of the ordinary duties of the office, for which he should receive a fixed salary, and that the amount of salary to be paid him be more clearly defined.

The sum of eleven hundred and ninety-two dollars has been expended of the fifteen hundred dollars appropriated at the last session of the General Assembly, for re-covering the Capitol. The whole roof has been re-covered anew, except the Cupolo, and that was inspected by competent workmen, who concurred in the opinion that it was sound, and required only some slight repairs, which have been made.

The law prescribing the manner of making returns of elections for members of Congress, is vague and contradictory, and should be amended. The law also requiring sheriffs generally to make returns of elections, is frequently disregarded, and especially in some of the most important and responsible officers elected by the people. This delinquency, I am satisfied, is the result of omission or neglect—not design—though equally embarrassing in its effects. Cases may occur, unless there is a more rigid adherence to the law than has frequently heretofore been observed by returning officers, where the popular will may for awhile, at least, be entirely defeated for the want of proper returns.

The law, as it now exists, would seem to be sufficient to insure a prompt discharge of duty on the part of those officers; but our experience proves to the contrary. The most effectual mode which presents itself to my mind, to insure a faithful discharge of duty on the part of returning officers, is to require the Solicitors of the circuit, and the Grand Juries of the several counties to enquire especially, if the proper returns of the elections have been made, and in case they have not, without reasonable cause to excuse it, the Grand Jury should present, and the Solicitor should be required to prosecute for such failure of duty; and althoug in some cases, the returns may have not been made within the time prescribed by law, they, in all probability, would be, before the time for holding courts in the different counties. I have thus brought the subject to your notice, for such action as the General Assembly may deem proper.

The sum of one hundred and nineteen thousand two hundred and seven and sixty-one hundredth dollars, being the first instalment of the two per cent. fund, has been by the Cashier of the State Bank invested in United States Treasury notes, bearing an interest of six per cent. per annum, as required by the Joint Resolutions of the last General Assembly. The Treasury Notes in which this investment has been made will cease to bear interest after the present month. It will become necessary, therefore for the Legislature to make some further pro-

visions for re-investing this amount, or otherwise the principal will remain entirely inactive, and yield nothing by way of interest as it should.

Congress having passed the act contemplated in the preamble and joint resolutions of the last General Assembly, authorizing the different Land Offices to receive the bills of the State Bank and Branches in payment for the public lands, from all those of our citizens who reside on those lands, desirous of availing themselves of their pre-emption rights, the second instalment will, of course be paid in the bills of the State Bank and Branches, agreeably to the provisions of the second section of the resolutions alluded to. At this time I do not know the precise amount which will be paid on this instalment—something more, I presume, however, than the amount received on the first. The Cashier of the State Bank, who is required by law to receive it, has not yet been able to do so. In the summer, this Department was informed by the Treasury Department, that a large portion of the amount due on this instalment had been received at the various Land Offices, in the bills of our State Bank and Branches, which information was made known to the officer authorized to receive the money. Before this, it is presumed, a sufficient sum in our currency has been received by the United States Government to pay the whole amount of the instalment, which will no doubt be paid as required, at an early day. One hundred and twenty thousand dollars of the money thus to be received, is to be loaned to the Montgomery and West Point Rail Road Company, agreeably to the provisions of an act of the General Assembly, approved fourteenth February, one thousand eight hundred and forty-three. The Company, through their President, Charles T. Pollard, Esq. have intimated an unwillingness to accept the loan upon the terms specified in the act, but express a willingness to do so upon certain modifications proposed, which you will find fully set forth in the letter of the President, which is herewith submitted.

A proper disposition of the money realized from the sale of the Sixteenth Sections, now on deposit in the Banks, is a subject intimately connected with the final settlement of their affairs. At no very distant day, legislation on that subject will be absolutely necessary, and could, perhaps, demand the attention of the General Assembly with as much propriety at this session, as at any future period. I am clear in the conviction that the money already obtained, and that which may hereafter arise from the sale of Sixteenth Sections, should be preserved as a sacred fund, and that the interest accruing on the principal should alone be appropriated to the objects of education. The amount now on deposit in the Banks, derived from sales of the Sixteenth Sections, is a debt, which will ultimately be legitimately chargeable upon the State. To pay the amount due to the Commissioners of the several Townships at this time, in the bills of the Banks, would only tend to swell our circulation sufficiently large for the means to give it currency, but would, I fear, to some extent depress it. The salutary lessons of the past, in the management of trust funds by public agents, afford us

abundant cause to distrust the policy of placing this fund in the custody and under the control of the Commissioners, to be loaned out or otherwise disposed of. That a large portion of these trusts would be faithfully discharged, there can be no question, but the light of experience as taught us by one or more of the States, in a similar disposition of a like fund, leave us but little room to doubt that through a want of uniformity in its application, insecurity and ultimate loss would be the inevitable result, with no inconsiderable portion. I therefore recommend that a certificate of State stock be issued to each Township, for the amount due on deposit, at a reasonable interest, for such period as your wisdom may think best, renewable at the pleasure of the State, and that the interest annually accruing on the amount of stock to each Township, be appropriated to the purposes of education.

It will be recollected by your honorable bodies that the last Legislature went much farther in closing and liquidating the Banks than I recommended in my annual message. Although entertaining then, as I conceived, a well grounded apprehension, that the system was bad, and would have to be abandoned, my convictions were that it should be done by degrees. When I had the honor of making that communication, I was not in possession of the information disclosing their condition so fully as was afterwards developed by the scrutinizing report, of the several boards of Commissioners appointed for their examinations. The Joint Examining Bank Committee of the two Houses, added much by their subsequent searching inquiries, to the stock of information afforded by the Commissioners, and contributed greatly in informing the last General Assembly, of the unsound condition and exhausted means of the Banks. Frankness requires me to say, that notwithstanding my loss of confidence in the system had been confirmed by these disclosures, I feared so sudden and radical a change in our State policy would produce a shock and distrust in the public mind, and that injurious consequences to the community would be the ultimate result. Believing that the representatives coming directly from the people, were the proper exponents of their will, I yielded my assent to the acts placing some of the Banks in liquidation, but not without some degree of reluctance. It affords me unaffected pleasure, however, to assure the General Assembly that those apprehensions have been dispelled by the operations of the acts liquidating the Banks, and that the action of the last Legislature on that subject is now, I believe, strongly approved by the great body of the people in the State.

The operations of our system, in common with every form of Bank credits, I regard as deceptive in theory, and delusive in practice; and that it has justly forfeited its claims to the confidence of the people. This, I think, is strikingly illustrated by the prostrate condition and general wreck that has so recently pervaded so large a portion of the Banking system in every form.

Amidst all our financial difficulties, it is however a source of gratification, that the winding up of our State Banks, have been so generally approved by the people. While its operations have imposed no bur-

thens on the community, it is fast relieving us from the evils of a depreciated currency, not only by the gradual absorption of the amount, but by giving a value to the outstanding circulation, as a means of discharging Bank debts, which must ultimately raise it much nearer to its par value. It is also illustrating the important truth, that to procure a good currency, it is only necessary to displace a bad one, and that as the channels of circulation are relieved by the latter, they are speedily filled with the former. Whenever bank paper, from its worthlessness, has been driven from circulation, gold and silver have immediately supplied its place, and the people have in every instance been more than satisfied with the exchange. This result has already, to a very great extent, been effected in Louisiana and Mississippi, and the same process must soon take place in this State. In every instance where it has occurred it has been attended with a favorable state of foreign and domestic exchanges, leading to heavy importations of gold and silver, until the level of currency and prices has been fully established. I recommend that the Banks be permitted to go into final liquidation under the provisions of the acts of the last session, reserving such corporate powers only as will enable them finally to settle their affairs.

The acts of the last General Assembly, placing the several Branch Banks in liquidation, require the State Bank to receive the bills, blank impressions and plates of the different Branches, and also that the bills and blank impressions shall be destroyed, but do not direct what disposition is to be made of the plates. Believing that the destruction of the latter is as essential as the former, to the final settlement and entire abandonment of the system, I recommend that the plates be likewise destroyed.

The Huntsville Branch has paid bonds due in eighteen hundred and forty-two, eighteen hundred and forty-four, and eighteen hundred and sixty-five, amounting in the aggregate to two hundred and nineteen thousand dollars. They were forwarded to this place by the board at Huntsville, and I directed them to be deposited in the State Bank, to be disposed of as directed by the General Assembly. I recommend that provisions be made, requiring the President and Directors of the State Bank to destroy them.

The people, with their usual patriotism, have cheerfully submitted to the tax imposed by the last General Assembly. It is proper to state, however, that the mode of assessing the tax on land, without classification, has not been approved by a large portion of the community. The present plan should be so modified as to meet their wishes.

To protect and preserve untarnished the faith and credit of the State, should be the cherished object of all, and is a subject which appeals with unrestricted force, to the pride, honor and integrity of every citizen. Public faith is but the aggregation of that sentiment of private honesty, which imposes on us the paramount duty of discharging a just debt. To preserve it inviolate, frequently requires great sacrifices on the part of the community; but they are sacrifices incurred in the preservation of a high moral principle, without which, neither society nor

Government can long exist. In parting with a portion of our property in discharging a public debt, we are only going to the expense of preserving a principle, which renders the remainder more secure, and therefore more valuable. In doing this, we may frequently pay the penalty of past folly and extravagance on the part of public agents; but even this carries along with it a compensation in arousing that spirit of vigilance to taxation and expenditure on the part of the people, without which, it is impossible for them long to preserve their liberties. If the last Legislature imposed upon the people burthens in the shape of taxes, they have done much to relieve them from the burthens and taxation of a banking system infinitely more oppressive, as I conceive, than our State debt. It is true that the people have not yet worked out their deliverance from the galling bondage of Bank paper depreciation; but every day, under the policy of the last Legislature, they are approaching near to that result, and to the same extent recovering their ability to sustain the heavy, but necessary burthen of taxation, which the honor and credit of the State will most obviously require.

The interest upon our State debt, for the present year, has been paid with our usual punctuality, and there are ample means in the Banks, to pay the interest which will be due the ensuing year. But how we are to discharge the amount which will be due in the year following, is a question that presents itself directly to all who cherish and value the character of the State. It may be urged, and that too, with the powerful force of truth, that to provide the means to pay the State debt, a portion of the substance of many will have to be yielded who never enjoyed any benefit from the money borrowed. But the force of such objections will be rendered powerless, from the simple fact, that those who loaned the money are not responsible for its application by our own agents. The money was borrowed in good faith, and the consideration of the debt cannot be questioned. If, then, the loss of the whole, or a part, has been the result, it is certainly a misfortune of the State, but that can afford no possible pretext to withhold payment from those who in good faith loaned us their money. To a people like those of Alabama, so jealous of their rights and honor, both personal and political, I look with an abiding confidence, that the faith and credit of the State will be preserved, with an integrity and promptness, that will stand the test of scrutiny and of time. I recommend, therefore, that a sufficient fund be raised by taxation, to provide permanently for the payment of the interest on our State debt.

The vast quantity of special legislation to be found on our statute book, and the immense mass which annually accumulates before the General Assembly, is a subject eminently worthy of your consideration. I allude to the subject now, with a settled conviction, that a very large portion of that kind of legislation could be entirely dispensed with, by adopting some general law, which would enable the parties seeking such aid, to effect their object before some of the judicial tribunals of the country. Conferring on married women the rights of *feme soles*, and constituting them free dealers, has been a very unusual species of legislation until recently, but is now evidently on the increase. These privi-

leges, in many cases, are perhaps proper, and should be conferred upon those who, from peculiar causes, would seem to be justly entitled to them; but they certainly might be extended to those who may desire them, without requiring a special act of the legislature in every instance. Our Courts of Chancery, by some general law authorizing them to do so, could afford all the relief desired, in applications of this character. Incorporating small towns and villages; commercial, manufacturing and mining companies; special tax laws; establishing toll gates and ferries; besides many other subjects purely local and special in their character, are fruitful sources of legislation, which not only increase the labors and lengthen the session, but add greatly to the amount of expense of ordinary legislation. These special acts, and corporate privileges, are likely essential, and may confer benefits upon those who desire them; but I am satisfied all who need such aid or privileges, could be enabled, by some general law, to accomplish their object without legislative interference in every case, and thereby dispense with this vast accumulation of private and special laws.

The right to erect toll gates and ferries, and to assess a county tax, under a certain amount, are powers that could with great propriety be trusted to the Judge of the County Court and Commissioners of Roads and Revenue. I am fully aware that that Court under existing laws, possesses power to some considerable extent, over these subjects; but the facility with which special acts are passed, providing for each case, has diminished greatly the business of that Court, and increased astonishingly the number of applications for this kind of legislation to the General Assembly. The right to exercise corporate privileges in small towns and villages, or to form associations or companies for commercial, manufacturing or mining purposes, could, with great propriety and safety, as I conceive, be conferred upon those desiring them, by some general law, under the control and scrutiny of some of the higher courts of the State. It would be proper in any general law of this character, to limit the corporate privileges, as well as the amount of property to be held; and reserve, especially, the right of the General Assembly to revoke any charter or privilege granted, when it was the pleasure of the Legislature to do so; by adopting some general law, by which the mass of special legislation can be avoided, and at the same time, adopting some system, which will confer the privileges upon those who desire them, you will have accomplished much, in the economy of time, labor and money.

Our University, under the present very able and indefatigable faculty, is receiving, as it eminently merits, a liberal patronage from the public. An institution so liberally endowed, and thus constituted, a nursery of the talents of the youth, and which is destined to form the intellectual and moral character of so large a portion of the young men of our State, most of whom must fill important stations in society—in the councils of the State, and in the different learned professions, can scarcely receive too much of the fostering care of the General Assembly. The heavy debt due from the University to the State Bank, is continually augmenting by the interest which is annually accruing. If no provision is made for the payment of the debt, in a few years, a very large portion of the

University fund will be absorbed in the yearly accumulation of interest. I have brought this subject to your notice, with an anxious desire that some provisions be made for the payment of the debt, and to relieve the University fund from the yearly drain to which it is now liable.

In accordance with the requirements of the Constitution, the census will have to be taken the ensuing year. It will be necessary, therefore, for the General Assembly to make suitable provisions for that purpose.

At the request of the Medical Society in Mobile, through their President, I directed the President and Directors of the Mobile Branch Bank to exclude from sale the two lots situated on the north-east corner of St. Francis and St. Joseph streets, numbers fifty-nine and sixty, which were advertised to be sold, with a portion of the real estate owned by the Mobile Branch, in November last. The object of the society in desiring a postponement of the sale of this property, was to enable them to memorialize your honorable bodies, to make a donation of those lots to the society, for the purpose of founding a Medical College. Being entirely willing to remove any obstacle which would prevent the Legislature from complying with their request, if it should be their pleasure to do so, and being satisfied that the property would not deteriorate in value, before the lots could be again brought into market, if the wisdom of the General Assembly should refuse the donation, were my reasons for excluding those lots from sale. A memorial from the society, fully presenting their views and design, I presume will be laid before you in due time.

Since the adjournment of the last General Assembly, the Honorable Henry Goldthwaite has resigned the office of Judge of the Supreme Court. Vacancies have also occurred since that period, in the office of Judge of the Circuit Court of the third and ninth judicial circuits, the office of solicitor of the second circuit, the office of Quarter Master General, and the office of Judge of the County Court, in the counties of Randolph, Lawrence, Franklin, Walker, Pickens, Marion, Dale and Macon, all of which have been filled, as required by the Constitution.

Colonel Armstrong, one of the Inspectors of the Penitentiary, having failed to attend three successive monthly meetings of the Board of Inspectors, his office was declared vacant under the provisions of an act approved eleventh of February, one thousand eight hundred and forty-three, which vacancy has been filled, as directed in said act.

On the sixth of October last, I made the annual visit, as required by law, to the Penitentiary, and examined the prison and convicts, with that scrutiny which the act requiring me to perform that duty would seem to demand. The result of my examination satisfied me, that neatness and order pervaded the institution, and that a proper discipline appeared to characterize its operations. The financial operations of the Penitentiary for the current year will be laid before you by the Warden, through the Comptroller of Public Accounts, as required by law.

The annual report made to this Department by the Inspectors, suggests some alterations in the Penal Code, which would seem to be salutary. The report presents a detailed, and no doubt correct statement of the op-

erations of the Prison for the present year; and believing all the information embraced in it should be laid before the General Assembly, I have the honor of submitting herewith a copy of the entire report.

I have thus, gentlemen, brought to your notice the subjects which I conceive, require your consideration. The views which I have submitted have been communicated after due reflection, and with a settled conviction that they are for the public good. But should the General Assembly not regard the views which I have had the honor to communicate, as conducive to the public interest, I will readily co-operate with your honorable bodies in adopting any measure which I am satisfied will result in the accomplishment of that end.

That the deliberations of the General Assembly may be conducted in the spirit of peace and harmony, and that the result may equal the just expectations of the public, is my sincere desire.

BEN. FITZPATRICK.

On motion of Mr. Fleming, one thousand copies of the message was ordered to be printed for the use of the Senate.

On motion of Mr. Winston, the editors and reporters of the different newspapers of the State, be allowed seats within the bar of the Senate.

On motion of Mr. Hudson, the Senate adjourned until ten o'clock, tomorrow morning.

SENATE CHAMBER, WEDNESDAY, DECEMBER 6TH, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

The Honorable Robert S. Hardaway, Senator, from the Senatorial district composed of the counties of Barbour and Russell, appeared, was qualified and took his seat.

Mr. Oliver from Montgomery, appeared and took his seat.

The Honorable Robert Dougherty, Senator, from the Senatorial district composed of the counties of Macon and Tallapoosa, appeared, was qualified, and took his seat.

The President announced to the Senate the following standing committees:

On Propositions and Grievances—Messrs. McVay, Creagh, Arrington, Bishop and Marchbanks.

On Privileges and Elections—Messrs. Walthall, Dent, Reese, McClanahan, Ross, Kelly, Hardaway, Creagh and Fleming.

On the Judiciary—Messrs. Walker of B. Yancey, Phillips, Foster, Watrons, Moores, Winston, Brindley, and McClanahan.

On Internal Improvement and Inland Navigation—Messrs. King, Burney, McAlpin, Dougherty, McVay, Ward, Marchbanks, Oliver, and Dent.

On Roads, Bridges and Ferries—Messrs. Brindley, King, Ross, Dougherty, Hudson, Wilson and Kelly.

On Divorce and Alimony—Messrs. Moores, Brindley, Watrous, Burney and Marchbanks.

On Indian Expenditures—Messrs. Winston, Ward, Dent, Dougherty, Hardaway, Foster, and Reese.

On State Printing—Messrs. Creagh, Hudson, Foster, Walker of Lawrence, Fleming, Moores, and Dent.

On the Penitentiary—Messrs. Yancey, Burney, Bishop, McAlpin, Oliver, Fleming, and Watrous.

On Accounts and Claims—Messrs. Hudson, Wilson, McAlpin, Dent, Creagh, Walker of L. Walker of B. and Watkins.

On Retrenchment—Messrs. Walker of L. Winston, Dent, Bishop, Watkins, Wilson and Arrington.

On County Boundaries—Messrs. Wilson, Ward, Watrous, Burney, McAlpin, Dougherty, and Bishop.

On Education—Messrs. Watkins, Oliver, Walker of L. Walker of B. Winston, King, and Moores.

On the State Capitol—Messrs. Dent, McClanahan, Yancey, Kelly, Brindley, Walthall, Moores, Oliver and Burney.

On the State Bank—Messrs. Toulmin, Walthall, McClanahan, McAlpin, Fleming, Hudson, Oliver, Moores, Dent, Brindley, Watkins and Winston.

On Military Affairs—Messrs. Fleming, Dent, Winston, Arrington, Walker of B. McClanahan and Creagh.

On Federal Relations—Messrs. Walthall, Phillips, Watkins, Dent, Creagh, Kelly, Hudson, Wilson, Yancey, Walker of L. Walker of B. and Moores.

On the Rules of the Senate—Messrs. McClanahan, Dent, Wilson, McVay, Moores, Oliver, Walker of L. Fleming, and Foster.

On Enrolled Bills—Messrs. Ross, Foster, Arrington, McClanahan, and McAlpin.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That the Doorkeeper be authorized to procure fuel and stationery for the use of the Senate during the present session

Mr. Walker of B. presented a petition from the citizens of Benton county; which, on motion, was referred to the judiciary committee.

Mr. Winston presented a petition; which was referred to a select committee, consisting of Messrs. Winston, Walker of L. and Fleming.

Mr. President presented to the Senate the Comptroller's Annual Account on the Contingent Fund; which, on motion, was laid on the table and thirty-three copies ordered to be printed for the use of the Senate.

Mr. Dent offered the following resolution; which was adopted:

Resolved, That the committee on privileges and elections, be authorized to establish an election precinct at the house of F. C. Halls, in the county of Tuscaloosa.

Mr. Walker of L. introduced a bill to be entitled an act for the relief of Henry A. McGhee; which was read the first time, the constitutional rule being suspended, the bill was read a second time and refer-

red to a select committee, consisting of Messrs. Walker of L. Hudson, and Creagh.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has concurred in the resolution of the Senate, proposing to go into the election of a Judge of the county court of Franklin, on Saturday the ninth instant, and has amended the same by inserting after "instant," the words "twelve o'clock, M."

The House has adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Representative Hall, on Wednesday, the sixth instant, at eleven o'clock, A. M. for the purpose of counting the votes for, and declaring the election of Governor of this State.

Also, joint resolutions of the Senate and House of Representatives of the State of Alabama, upon the subject of postage, and has passed a bill to legalize a certain term of the county court of Tuscaloosa county, therein named.

In which the concurrence of the Senate is requested.

On motion, the amendment of the House to the resolution of the Senate was carried in.

On motion, the second resolution of the House was concurred in.

The Senate then took up the engrossed bill of the House of Representatives, entitled joint resolutions of the Senate and House of Representatives of the State of Alabama, upon the subject of postage; which was read and referred to a select committee, consisting of Messrs McClanahan, Winston, and Fleming.

The Senate then took up the engrossed bill of the House of Representatives, entitled a bill, to be entitled an act to legalize a certain term of the county court of Tuscaloosa county therein named; which was read the first time, the constitutional rule suspended, read the second time, and referred to the judiciary committee.

Mr. Terry offered a joint resolution in relation to the nomination of Bank Directors; which was read the first time and ordered to a second reading.

Mr. Walker of L. presented the petition, and accompanying documents of Robert Fenner and Thomas B. Jones; which was referred to the committee on accounts and claims.

Mr. Walker of L. presented an account of Jonathan Sanderline and others; which, on motion, was referred to the committee on accounts and claims.

Mr. King moved that the Governor's Message be taken from the table, and made the special order of the day on to-morrow, at twelve o'clock; which was adopted.

Mr. Kelly presented an account of Peter Anderson, sheriff of Jefferson county; which was referred to the committee on accounts and claims.

Mr. Winston presented a bill to be entitled an act to change the time of holding the county court of the county of Sumter; which was read the first time, and ordered to a second reading, to-morrow.

A message from the House of Representatives, by Mr. Clitherall, inviting the Senate into the Representative Hall, for the purpose of counting the vote and declaring the election of Governor of the State of Alabama; whereupon the Senate repaired to the Hall of the House of Representatives, were seated, and the two Houses proceeded to count the votes.

The Honorable Mr. Speaker announced that His Excellency Benjamin Fitzpatrick, having received a majority of the votes given, declared him duly elected Governor for the State of Alabama, for the constitutional term.

On motion of Mr. Hudson, the following resolution was adopted:

Resolved, That the Chair appoint a committee to act with such committee as may be appointed on the part of the House of Representatives, to wait on His Excellency Governor Fitzpatrick, and inform him of his re-election as Governor of the State of Alabama, for the term prescribed by the Constitution, and ascertain when it will suit his convenience to take the oath of office prescribed by the Constitution.

Mr. President appointed the following said committee:—Messrs. Hudson, McVay and Watkins

A message from His Excellency, by Mr. Harrison:

EXECUTIVE DEPARTMENT,
TUSCALOOSA, DECEMBER 6, 1843. }

To the President of the Senate:

Sir—I have the honor to inform the Senate that I have received the resignation of the Honorable Green T. McAfee, resigning the office of Judge of the county court of Talladega county.

Also the resignation of Sampson W. Harris, Esq. resigning the office of solicitor of the Eighth Judicial Circuit.

[Signed] BENJAMIN FITZPATRICK.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President:—The House of Representatives has passed the following bill:

A bill to be entitled an act in relation to the nomination of Bank Directors; in which they ask the concurrence of your honorable body.

The engrossed bill from the House of Representatives, entitled a bill to be entitled an act in relation to the nomination of Bank Directors, was read the first time, the constitutional rule suspended, read the second time, and referred to a select committee, consisting of Messrs. Fleming, McClanahan and Walker of Lawrence.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives concur in the resolution of the Senate, appointing a committee to wait on the Governor and inform him of his re-election, and inquire when it will suit his convenience to take the oaths of office, and has appointed Messrs. Martin, Barron and Evans said committee, on the part of the House.

Mr. Hudson, from the committee to wait on the Governor, reported

that the committee had performed that duty, and received for answer that on Friday next, precisely at twelve o'clock M., would suit his convenience to take the oaths of office.

On motion of Mr. King, the Senate adjourned till to-morrow morning at ten o'clock.

SENATE CHAMBER, THURSDAY, DECEMBER, 7th, 1843.

The Senate met pursuant to adjournment.

The minutes were read, amended and approved.

Mr. Marchbanks presented a petition from sundry citizens of the county of Fayette; and, on his motion, was referred to the Senators of Morgan, Fayette and Franklin counties.

Mr. Walker of Benton, announced the arrival of the Honorable Solomon McAlpin, Senator from Greene, who appeared, was qualified and took his seat.

The Honorable Mr. Phillips, Senator from Dallas, appeared and took his seat.

Mr. McClanahan presented the petition of sundry citizens of Morgan county; and, on his motion, was referred to the committee on privileges and elections.

Mr. Walker of L. from the select committee to whom was referred a bill for the relief of Henry A. McGhee, tax collector of Lawrence county, reported a substitute and recommended its passage.

The bill was then read the third time and passed.

Mr. Fleming, from the select committee to whom was referred the engrossed bill from the House, in relation to the nomination of Bank Directors, reported the same back to the Senate, without amendments, and recommended its passage.

The bill was then read a third time and passed.

Mr. King presented a bill to be entitled an act to regulate the time of holding the circuit courts of Pickens and Sumter counties; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Dent presented a bill to be entitled an act to amend an act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church in Dallas county; which was read the first time, and ordered to a second reading on to-morrow.

Mr. McVay offered a memorial from sundry citizens, commissioners of the Tennessee canal; which, on motion, was referred to the judiciary committee.

Mr. Dougherty offered the following resolution, which was adopted:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Saturday the ninth instant, at twelve o'clock, M. for the purpose of electing a Judge of the county court of Macon county.

Mr. McVay offered the following resolution; which, on his motion, was referred to the committee on military affairs:

Resolved, That the committee on military affairs, be instructed to en-

quire into the expediency of authorizing the Governor to appoint an additional number of aids; and that they report by bill or otherwise.

Mr. McClanahan moved to reconsider the vote on the resolution offered on yesterday by Mr. Hudson, authorizing the Doorkeeper to furnish the Senate with fuel and stationery; which motion was carried, and Mr. Hudson had leave to withdraw the same.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That the committee on Federal relations be instructed to enquire into the expediency of annexing the Republic of Texas to the United States, and report the result of their deliberations to the Senate, by a memorial to Congress, or otherwise, as soon as practicable.

Mr. Kelly offered a bill to be entitled an act to alter the mode of establishing and abolishing election precincts in the several counties of this State; which was read the first time and ordered to a second reading on to-morrow.

The Senate then proceeded to the orders of the day.

A bill to change the time of holding the county court of Sumter county, was read a second time and ordered to be engrossed; to be read a third time on to-morrow.

The joint resolutions in relation to the nomination of Bank Directors, was read a second time, and on motion of ——— was laid on the table.

On motion of Mr. Hudson, the Senate proceeded to the election of a joint examining Bank committee. On counting the votes, Messrs. Hudson, Phillips, and McClanahan, having received a majority, was declared by the President duly elected said committee.

Mr. Winston, from the select committee, to whom was referred the petition of George Amerson and others, reported the same back to the Senate, with a bill to be entitled an act to authorize the commissioners of the sixteenth section, of township twenty-two, range two, West, Tuscaloosa land district, in the county of Sumter, to rescind a certain contract therein described; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That the committee on privileges and elections be instructed to enquire into the expediency of abolishing the precinct heretofore established in the county of Franklin, and known as the Missionary precinct, with leave to report by bill or otherwise.

Mr. Oliver presented a petition from William R. Pickett, of Autauga county; which, on his motion, was referred to the judiciary committee.

Mr. Brindley offered the following resolution; which was adopted:

Resolved, That the State Bank committee enquire whether the Bank of the State of Alabama and its Branches, have been uniform in their payments to the Teachers of common schools, under the act appropriating two hundred thousand dollars in aid of valueless sixteenth sections; and whether, in any instance, the Teachers have been paid too much or too little.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reducing the present rate of interest; and that they report by bill or otherwise.

Mr. Foster introduced a bill to be entitled an act to change the mode of collecting and safe keeping of moneys due from purchases of sixteenth sections in the several counties of this State, and for other purposes; which was read the first time and ordered to a second reading on to-morrow.

Mr. Phillips introduced a bill to be entitled an act concerning the circuit court of Dallas county; read the first time and ordered to a second reading on to-morrow.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has adopted the following resolution, to wit:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Friday the eighth instant, for the purpose of electing a Judge of the county court of Fayette county.

The House has also passed a bill to change the time of holding the February term of the county court of Perry county; in which the concurrence of the Senate is requested.

The Senate concurred in the resolution of the House, and amended the same by inserting Saturday ninth, at twelve o'clock, in lieu of Friday the eighth.

The Senate then took up the engrossed bill from the House, entitled an act to change the time of holding the February term of the county court of Perry county, which was read the first time, the constitutional rule suspended, read second and third times and passed.

Mr. Watrous presented the petition of sundry citizens of Bibb county; which was referred to the judiciary committee.

Mr. President announced that the hour of twelve o'clock had arrived: when the Senate resumed the consideration of the annual message of his Excellency the Governor, it being the special order of the day for that hour.

Mr. Hudson in the Chair. After some time spent in deliberation, the committee arose and reported, through its Chairman, the following resolutions:

Resolved, That so much of the message of his Excellency the Governor, as relates to the State Bank and Branches, be referred to the committee on the State Bank.

Resolved, That so much of the Governor's message as relates to the Penitentiary, be referred to the committee on the Penitentiary.

Resolved, That so much of the Governor's message as relates to the Planters' and Merchants' Bank, be referred to the committee on the State Bank.

Resolved, That so much of the Governor's message as relates to the University and sixteenth section school funds, be referred to the committee on education.

Resolved, That so much of the Governor's message as relates to the Creek Indemnity, be referred to the committee on Indian expenditures.

Resolved, That so much of the Governor's message as relates to

sheriffs' and jailers' fees, be referred to the committee on accounts and claims.

Resolved, That so much of the Governor's message as relates to the Adjutant General's Office, be referred to the committee on the military.

Resolved, That so much of the Governor's message as relates to election returns, be referred to the committee on privileges and elections.

Resolved, That so much of the Governor's message as relates to the two per cent. Fund, and loan made to the Montgomery and West Point Rail Road Company, and the letter of the President thereof, be referred to the committee on inland navigation and internal improvements.

Resolved, That so much of the Governor's message as relates to the request of the Medical Society of Mobile, be referred to the committee on education.

Resolved, That so much of the Governor's message as relates to special legislation, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's message as relates to the State Census, be referred to the committee on privileges and elections.

Resolved, That so much of the Governor's message as relates to changing the mode of taxing land, be referred to the committee on propositions and grievances.

All of which resolutions were adopted by the Senate; and on motion of Mr. Fleming, the committee of the whole were discharged from the further consideration thereof.

Mr. Fleming offered the following resolution; which was adopted:

Resolved, That a committee of three be appointed on the part of the Senate, to act with a like committee on part of the House, to make suitable arrangements for the Inauguration of His Excellency the Governor elect; whereupon, Messrs. Fleming, Hudson, and McVay, were appointed said committee.

Mr. McClanahan, from the select committee to whom was referred the engrossed joint resolutions of the Senate and House of Representatives of the State of Alabama, upon the subject of postage, made the following report; which was concurred in:

The select committee to whom was referred the joint resolutions of the Senate and House of Representatives of the State of Alabama, on the subject of postage, have had the same under consideration, and amended them by striking out all after the word "letters," in the fifth line, and inserting "so as to comport with our national currency."

Resolved further, That the Governor be requested to transmit a copy of this preamble and resolution to our Senators and Representatives in Congress.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That the Chair appoint a committee of three on the part of the Senate, to act with such committee as may be appointed on the part of the House, whose duty it shall be to examine the Comptroller's and Treasurer's offices, and ascertain whether or not those offices have been

conducted according to law, and to report the result of their examination to their respective Houses; whereupon, Messrs. Hudson, Creagh, and McAlpin, were appointed said committee.

Mr. Kelly presented an account from William McCartey, returning officer of the third congressional district, of the county of Jefferson; which was referred to the committee on accounts and claims.

On motion of Mr. Hudson, the Senate adjourned until ten o'clock, to-morrow morning.

SENATE CHAMBER, FRIDAY, December 5th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Fleming offered a petition from ——— Anderson, of Madison county; which was read, and on his motion, laid on the table.

Mr. Walker of B. from the judiciary committee, made the following report:

The committee on the judiciary, to whom was referred the engrossed bill from the House of Representatives, entitled a bill to be entitled an act to legalize a certain term of the county court of Tuscaloosa county, therein named, have, according to instructions, had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and recommend its passage.

The bill was then read a third time and passed.

Mr. Yancey offered the following resolution; which was adopted:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Saturday the ninth instant, at twelve o'clock, M., for the purpose of electing a Judge of the county court of Coosa county.

Mr. Bishop offered the following resolution; which was adopted:

Resolved, That the committee on privileges and elections, be instructed to abolish an election precinct at Hudson's mill; and also, to establish an election precinct at the house of Joseph McConathy, also at the house of Jesse Foreman, all in the county of Talladega.

Mr. President announced the orders of the day.

The bill to be entitled an act to regulate the time of holding the circuit courts of Pickens and Sumter counties, was read a second time, and ordered to be engrossed, and on motion of Mr. King, the vote was reconsidered, and the bill referred to a select committee, composed of Messrs. King, Winston, and Dent.

The bill to be entitled an act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church, in the county of Dallas, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to alter the mode of establishing and abolishing election precincts in the several counties of this State, was read a second time and referred to the committee on privileges and elections.

The engrossed bill to be entitled an act to change the time of holding

the county court of Sumter county, was read the third time and passed.

A bill to be entitled an act to authorize the commissioners of the sixteenth section, of township number twenty-two, of range two, west, Tuscaloosa Land District, in the county of Sumter, to rescind a certain contract therein described, was read a second time and referred to the committee on education.

A bill to be entitled an act to change the mode of collecting and safe keeping of moneys due from purchasers of sixteenth sections in the several counties of this State, and for other purposes, was read a second time and referred to the committee on the judiciary.

An engrossed bill to be entitled an act concerning the circuit courts of Dallas county, was read a second time and ordered to be engrossed, and read a third time on to-morrow.

Mr. McVay offered the following resolution; which was read and referred to the committee on education:

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to effect a passage of a law, through the respective bodies of which they are members, authorizing the Legislature of this State to apply what is called the two and three per cent. funds in aid and establishment of primary schools, (in addition to the proceeds of sixteenth sections,) equalizing the same as far as practicable, with the best interest of the whole people of the State.

Resolved, That His Excellency the Governor of this State be requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress, at the earliest day practicable.

A message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives has concurred in the amendment made by the Senate to its resolution, proposing to go into the election of Judge of the county court of Fayette county.

The House concurs in the resolution of the Senate, proposing to elect a Judge for the county court of Macon, on Saturday the ninth instant, at twelve o'clock, M.

The House also concurs in the resolution of the Senate, proposing to appoint a joint committee to make suitable arrangements for the Inauguration of the Governor elect, and has appointed Messrs. Moore of M. Troup, and Witherspoon, a committee on the part of the House.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following bill, viz:

A bill to be entitled an act to alter the time of holding the county court of Morgan county, in which the concurrence of the Senate is respectfully requested.

The engrossed bill from the House of Representatives, to be entitled an act to alter the time of holding the county court of Morgan county, was read the first time and ordered to a second reading on to-morrow.

Mr. Hudson being in the Chair, Mr. Terry offered the following resolution:

Resolved by the Senate, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Monday the eleventh instant, at twelve o'clock, M. for the purpose of electing a Judge of the Supreme court, to fill the vacancy occasioned by the resignation of the Honorable Henry Goldthwaite.

Mr. Walthall moved to lay the resolution on the table, and desired the yeas and nays:

Those who voted in the affirmative, are Messrs. Burney, Creagh, Dent, Foster, Hardaway, Kelly, King, McAlpin, Oliver, Phillips, Walthall, Watkins, Watrous, and Winston—14.

Those who voted in the negative, are Messrs. President, Bishop, Brindley, Dougherty, Fleming, Hudson, Marchbanks, McClanahan, McVay, Walker of B. Walker of L. Ward, Wilson, and Yancey—14.

The motion was lost, and the question was taken on the passage of the resolution; the yeas and nays being desired—yeas 12, nays 16:

Those who voted in the affirmative, are Messrs. President, Bishop, Brindley, Dougherty, Hardaway, Hudson, Marchbanks, McClanahan, McVay, Walker of L. Wilson, and Yancey—12.

Those who voted in the negative, are Messrs. Burney, Creagh, Dent, Fleming, Foster, Kelly, King, McAlpin, Oliver, Phillips, Walker of B. Walthall, Ward, Watkins, Watrous, and Winston—16.

Mr. Dent moved to amend the twelfth rule of the Senate, by striking out all after the word "but," in the second line of the printed rules of the Senate; which was laid on the table until to-morrow.

Mr. Phillips offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two houses will assemble in the Hall of the House on Thursday, the fourteenth inst. at twelve o'clock, M. for the purpose of electing a Judge of the county court of Dallas county; which was adopted.

Mr. Fleming from the joint committee to make suitable arrangements for the inauguration of the Governor elect, made the following report:

Mr. President—The joint committee appointed to make arrangements for the inauguration of the Governor elect, have performed the duty assigned them, and report that at twelve o'clock this day they will conduct His Excellency to the desk of the House of Representatives, when he will make his acknowledgements and take the oaths of office.

A message from the House of Representatives by Mr. Clitherall, inviting the Senate into the House for the purpose of attending the inauguration of the Governor elect; whereupon, the Senate immediately repaired to the Hall of the House, when the Governor elect, BENJAMIN FITZPATRICK, was introduced by the joint committee appointed for that purpose, was conducted to the Speaker's chair, whence he made his acknowledgements, and the usual oaths of office were administered in presence of both branches of the Legislature, by the Speaker of the House of Representatives.

The Senate then withdrew to their chamber.

Mr. President took the chair, and called the Senate to order, and on

motion of Mr. Phillips, the Senate adjourned until ten o'clock to-morrow morning.

SENATE CHAMBER, SATURDAY, December 9th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

The Honorable Mr. Arrington, Senator from the Senatorial district composed of the counties of Butler and Pike, appeared and took his seat.

Mr. Marchbanks presented a petition from Leroy Kennedy and others; and on his motion was referred to the committee on bridges and ferries.

Mr. McVay presented the petition of Charles Gookin and others; and on his motion it was referred to the committee on the State Bank.

Mr. McVay presented the petition of John M. Davis and others, of Lauderdale county; which on his motion was referred to the committee on the State Bank.

Mr. Hardaway presented the petition of James Phillips and Pleasant Phillips, Commissioners of Sixteenth Section, Township sixteen, Range twenty-nine; and on his motion was referred to the committee on education.

The President announced the orders of the day.

The engrossed bill to be entitled an act to amend an act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church, in the county of Dallas, was read the third time, and passed.

The engrossed bill to be entitled an act concerning the circuit courts of Dallas county, was read a third time and passed.

The engrossed bill from the House of Representatives, entitled a bill to be entitled an act to alter the time of holding the county court of Morgan county, was read a second time, and ordered to a third reading.

On motion of Mr. King the following resolution was adopted:

Resolved, That with the concurrence of the House of Representatives the two houses will assemble in the Hall of the House on Tuesday, the twelfth inst. at twelve o'clock, M. for the purpose of electing a Judge of the county court of Pickens county, and also a Judge of the county court of Lawrence county.

Mr. President laid before the Senate a communication from the Secretary of State, showing the vote taken on the alteration of the Constitution on the first Monday in August, eighteen hundred and forty-three; which was read and ordered to lie on the table.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives concurs in the resolution of the Senate proposing to elect a Judge of the county court of Coosa county, this day at twelve o'clock, M.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill to divorce John W. Jones from his wife Minerva Jones, in which the concurrence of the Senate is respectfully asked.

The engrossed bill from the House of Representatives, entitled a bill

to be entitled an act to divorce John W. Jones from his wife Minerva Jones, was read the first time, the constitutional rule suspended, read the second time, and referred to the committee on divorce and alimony.

Mr. President laid before the Senate the following communication; which was read and ordered to lie on the table:

To the President of the Senate of Alabama:

The Trustees of the University have directed me to communicate to your honorable body the following resolution:

Resolved by the Trustees of the University of Alabama; That a communication be sent to both Houses of the Legislature, inviting the members to attend upon the delivery of a discourse in the Presbyterian Church, on to-morrow at eleven o'clock, A. M. touching the interest of education, and informing them that the front block of pews as far back as may be necessary are appropriated to their accommodation.

I have the honor to be, gentlemen,

your obedient servant,

H. P. DOUTHITT,

Secretary of the Board of Trustees of the University.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has adopted the following resolution:

Resolved, That the Senate be now invited into the hall of the House of Representatives for the purpose of electing Judges of the County Courts of Franklin, Fayette, Macon and Coosa counties.

Whereupon, the Senate repaired to the Hall of the House, and when seated, the President announced the object for which the two Houses had assembled.

The two Houses first proceeded to the election of a Judge of the County Court of Franklin.

Mr. Hudson announced *Richard S. Watkins*—who alone being in nomination, and having received one hundred and nineteen votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Franklin county, for the term prescribed by the constitution.

The two Houses next proceeded to the election of a Judge of the County Court of Fayette county.—The names of *B. W. Wilson* and *Walter Harkins*, being in nomination.

Those who voted for *Mr. Wilson*, are messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Walker of B. Walker of L. Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yancey of the Senate; messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of Bibb, Davis of L. Douglass, Drane, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Hefflin, Hendrix, Hill

of Bibb, Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson. R. T. Johnston, Lankford, Martin, McCartey, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morris, Morrisett, Mudó, Nall, Norman, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Tate, Taylor, Troup, Walker, Williams of J. Winston and Witherspoon.—111.

Those who voted for *Mr. Harkins*, are messrs. Harris, Sykes, Webb and Williams of H.

Mr. B. W. Wilson, having received a majority of all the votes given, was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Fayette County for the term prescribed by the constitution.

The two Houses proceeded next to the election of a Judge of the County Court of Macon County—the name of *Theodore W. Brevard*, being alone in nomination, and he having received all the votes cast, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Macon County, for the term prescribed by the constitution.

The two Houses next proceeded to the election of a Judge of the County Court of Coosa County.

Mr. Yancey, of the Senate, nominated *Reuben Hill*—Mr. Rose, of the House, nominated *Ebenezer Pond*.

Those who voted for *Mr. Hill*, are messrs. Arrington, Brindley, Burney, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, King, Marchbanks, McVay, Oliver, Phillips, Walker of B. Walker of L. Withall, Ward, Watkins, Winston and Yancey, of the Senate; messrs. Speaker, Anderson, Barker, Bryan, Clemens, Douglass, Drane, Dunn, Fletcher, Hill of B. Holstein, Hubbard, Humphreys, Lankford, Martin, McCartey, McMillion of B. Mudd, Nall, Oliver, Snowden, Stringer, Sykes, Taylor, Troup, Walker and Winston—48.

Those who voted for *Mr. Pond*, are messrs. President, Bishop, Creagh, Hudson, McAlpin, McClanahan, Watrous and Wilson of the Senate; and messrs. Abtridge, Alexander, Allen, Baldwin, Banks, Barron, Caffey, Calloway, Clancey, Clarke, Cobb, Cook, Davis of B. Davis of L. Evans, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of T. Howard, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, McGriff, McLemore, McLeod, McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morrisett, Norman, Owens, Portis, Reid, Rose, Sandidge, Segar, Spruill, Steele, Storrs, Tate, Webb, Williams of H. Williams of J. and Witherspoon.—57.

Mr. Pond having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Coosa County for the term prescribed by law.

The Senate then withdrew to their chamber.

Mr. President resumed his seat, and called the Senate to order.

On motion of Mr. Hudson, the Senate adjourned until ten o'clock, on Monday morning.

SENATE CHAMBER, Monday, December 11, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

The Honorable J. L. Toulmin, Senator from the Senatorial district of Mobile, appeared and took his seat.

Mr. Watkins presented the petition of Jacob Rall, Judge, and Anninas Godbold, and others, commissioners of roads and revenue, for the county of Monroe; and, on his motion, was referred to the committee on the judiciary.

Mr. Creagh presented the petition of the commissioners of the county court of Clarke county; and, on his motion, was referred to the committee on the judiciary.

Mr. Watkins presented the petition of the citizens of Conecuh county; which was ordered to lie on the table.

Mr. Walker, of B., presented a petition from the citizens of Benton county; and, on his motion, was referred to the committee on education.

Mr. Walker, of Benton, presented a petition from the citizens of Benton county, in relation to brigade drill officers; and, on his motion, was referred to the committee on military affairs.

Mr. Toulmin presented the petition and memorial of the Mobile medical society; and, on motion, was referred to the committee on education.

Mr. Toulmin presented the petition of the President and Directors, and Stockholders, of the marine rail-way and insurance company; and, on his motion, was referred to the judiciary committee.

Mr. Creagh presented two accounts of Wylie White, sheriff of Pike county; and, on his motion, was referred to the committee on accounts and claims.

Mr. Hardaway presented an account of Bryant S. Mangham, deputy sheriff of Russell county; and, on his motion, was referred to the committee on accounts and claims.

Mr. Walker, of B., from the judiciary committee, to which was referred the resolution enquiring into the expediency of reducing the present rate of interest, reported the same as inexpedient; which report was read, and, on motion of Mr. Walker, of L., it was laid on the table.

Mr. Walker, of B., from the same committee, to which was referred the petition of many citizens of Benton county, requesting the General Assembly to pass a law making it incumbent upon all persons commencing suits at law, to give security for costs, with certain restrictions, reported the same as inexpedient; and, on his motion, was laid on the table.

Mr. Brindley, from the committee on divorce and alimony, made the following report:

The committee on divorce and alimony, to which was referred a bill to be entitled an act to divorce John W. Jones from his wife Minerva Jones, have had the same under consideration, and instructed me to report the same back to the Senate without amendment, and recommend its passage.

Mr. Brindley offered the following resolution:

Resolved, That the committee on the judiciary enquire into the propriety of diminishing costs in Orphan's courts, so far, at least, as relates to orphan children, heirs of an intestate; also dispensing entirely with costs against defendants on *sci fa*, (in circuit courts) who were only securities in recognizances where the judgment "*ni si*" against their principals is set aside; which was adopted.

Mr. President announced the orders of the day.

The engrossed bill from the House of Representatives, entitled a bill to be entitled an act to alter the time of holding the county court of Morgan county, was read a third time and passed.

An engrossed bill from the House of Representatives, entitled a bill to divorce John W. Jones from his wife Minerva Jones, was read a third time, and the ayes and nays being demanded—

Those who voted in the affirmative, are messrs. President, Arrington, Bishop, Brindley, Burney, Fleming, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Toulmin, Walker, of B., Walker, of L., Walthall, Ward, Watkins, Watrous, Wilson, Winston, and Yancey—25.

Those who voted in the negative, are messrs. Creagh, Dent, Dougherty, and Foster—4.

The bill was passed.

Mr. Dent had leave to withdraw his resolution offered on Saturday, to amend the twelfth rule of the Senate.

Mr. Toulmin presented a bill to be entitled an act to amend the charter of the Marine rail-way and insurance company of Mobile; which was read a first time, and ordered to a second reading on to-morrow.

Mr. Dougherty presented a bill to be entitled an act to regulate the manner of advertising Sheriffs' and Coroner's sales of personal property in this State: which was read the first time, and ordered to a second reading on to-morrow.

Mr. President laid before the Senate the report of the commissioners appointed to examine the Bank of Mobile; which was, on motion of Mr. Hudson, ordered to lie on the table.

Mr. President laid before the Senate the report of the President of the Branch of the Bank of the State of Alabama at Mobile; which was referred to the committee on the State Bank.

Mr. Hudson introduced the following bill:

A bill to authorize the withdrawal of the sixteenth section fund, now held by the Bank of the State of Alabama and its Branches; which was ordered to lie on the table, and thirty-three copies thereof printed for the use of the Senate.

Mr. President laid before the Senate the Comptroller's annual report on the revenue fund; which was ordered to lie on the table, and thirty three copies thereof printed for the use of the Senate.

Mr. Dougherty presented the account of the Sheriff of Macon county; which was referred to the committee on accounts and claims.

Mr. Phillips introduced a bill to be entitled an act to repeal a certain act therein named; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Hudson offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the laws regulating Clerk's fees, as to allow Registers in chancery the same fees as Clerks of the county courts for like services, with leave to report by bill or otherwise.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has concurred in the resolution of the Senate proposing to go into the election of a Judge of the county court of Pickens and Lawrence counties, on Tuesday, the 12th inst., at twelve o'clock M., and have passed a resolution proposing, with the concurrence of the Senate, that the two houses will assemble in the Hall of the House, on Tuesday next, for the purpose of electing a Judge of the county court of Walker county; which was concurred in.

On motion of Mr. Hudson, the Senate adjourned until ten o'clock to-morrow morning.

SENATE CHAMBER, TUESDAY, December 12th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

The Honorable Mr. Ross, Senator from the Senatorial District of Wilcox, appeared in the Senate and took his seat.

Mr. Hudson moved to reconsider his motion of yesterday, ordering thirty-three copies of the Comptroller's report, to be printed; which motion prevailed, and on his motion the number increased to five hundred copies; which was also carried.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has adopted the following resolution, to wit:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House, for the purpose of electing a Judge of the county court of Randolph county, on Tuesday, 12th inst.; and, also, on Thursday next, to elect a Judge of the county court of Talladega county.

The House has appointed Messrs. Walker, Martin and Lang a committee on the part of the House, to act with such committee as may be appointed on the part of the Senate, to examine the State Bank.

The House concurs in the amendment made by the Senate to the resolution on the subject of postage.

The House has passed bills of the following titles, viz:

An act concerning the county taxes of Monroe county;

An act to change the time of holding the winter term of the county court of Greene;

An act to change the name of a certain person therein named;

An act in aid of the County Treasury of Russell county;

In which the concurrence of the Senate is asked.

The Senate concurred therein, and the House informed.

Mr. Dent offered the following resolution, which was laid on the table:

Resolved, That with the concurrence of the House of Representatives, the two Houses of the General Assembly of the State of Alabama will adjourn *sine die* on Saturday, the sixth of January, 1844.

Mr. President laid before the Senate the report of the President of the Branch of the Bank of the State of Alabama at Montgomery; which was referred to the committee on the State Bank.

An engrossed bill from the House of Representatives, entitled a bill to be entitled an act in aid of the county treasury of Russell county, &c., was read the first time, and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives, entitled a bill to be entitled an act to change the name of a certain person therein named, was read first time, and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives, entitled a bill to be entitled an act to change the time of holding the winter term of the county court in and for the county of Greene, was read the first time, and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives, entitled a bill to be entitled an act concerning the county taxes of Monroe county, was read the first time, and ordered to a second reading on to-morrow.

Mr. President announced the orders of the day:

A bill to be entitled an act to amend the charter of the Marine Railway and Insurance Company of Mobile, was read the second time and ordered to be engrossed for a third reading.

A bill to be entitled an act in relation to the costs of prosecutions in criminal cases in Mobile county, was read the second time, and referred to the committee on the judiciary.

A bill to be entitled an act to regulate the manner of advertising sheriffs' and coroners' sale of personal property in this State, was, on motion of Mr. Dougherty, referred to the committee of the whole, on Thursday next, at eleven o'clock A. M.

A bill to be entitled an act to repeal a certain act therein named, was read the second time and referred to the committee on the judiciary.

A message from his Excellency, by Mr. Garrett, Secretary of State:

EXECUTIVE DEPARTMENT,
TUSCALOOSA, December 11th, 1843. }

Sir—By resolution of the Board of Trustees of the University of Alabama, I am instructed to make known to the Senate that the office of Trustee of the Sixth Judicial Circuit, has become vacated by the death of the Hon. Isaac H. Erwin.

BENJAMIN FITZPATRICK.

Hon. Nathaniel Terry, President of the Senate.

Mr. Watkins, from the committee on education, reported a bill, to be entitled an act to authorize the commissioners of township number twenty-two, range two west Tuscaloosa Land District, in the county

Mr. Hudson offered

of Sumter, to rescind a certain contract therein described, and recommended its passage; which was read a second time, and ordered to be engrossed for a third reading.

Mr. Watkins, from the same committee, reported a bill to be entitled an act in relation to township sixteen, range twenty-nine, in Russell county, and recommended its passage; which was read a second time, and ordered to be engrossed for a third reading.

Mr. Arrington offered a bill to be entitled an act to revive and continue in force an act entitled an act to authorize the commissioners' court of Butler county to levy an additional tax; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Toulmin introduced a bill to be entitled an act for the relief of securities in certain cases; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Toulmin introduced a bill to be entitled an act for the relief of James G. Lyon; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Creagh offered the following resolution, which was adopted:

Resolved, That with the concurrence of the House of Representatives, the two houses will assemble in the Hall of the House of Representatives, on Thursday, the fourteenth inst. at twelve o'clock, M. for the purpose of electing a Trustee for the sixth judicial circuit, to fill the vacancy occasioned by the death of the Honorable Isaac H. Erwin.

The House was informed.

Mr. Dougherty presented a petition for an election precinct, and on his motion was referred to the committee on privileges and elections.

Mr. Walker of B. offered a bill to be entitled an act to require all persons to give security for costs who obtain a change of venue, in civil cases; read the first time, and ordered to a second reading on to-morrow.

Mr. Creagh presented the petition of Thomas Moody, of Clarke county, and on his motion was referred to a select committee. Messrs. Creagh, Hudson and Watkins were appointed said committee.

Mr. Toulmin presented the petition of A. Shanklin, of Mobile county, and on his motion was referred to the committee on propositions and grievances.

Mr. Brindley offered the following resolution, which was adopted:

Resolved, That the committee on the Judiciary enquire into the propriety of substituting the word "authorized," for the word "required," in the third line, tenth section, under the head of "vice and immorality," in Clay's Digest, or otherwise amend the same, and report by bill or otherwise; which was referred.

Mr. Hudson moved that the bill to be entitled an act authorizing the withdrawal of the sixteenth section fund now held by the Bank of the State of Alabama and its several Branches, be taken from the table and placed among the orders of the day; which motion was adopted.

Mr. President laid before the Senate a communication by H. P. Douthitt, Secretary of the Board of Trustees of the University of Alabama, inviting the Senate to attend the commencement exercises at the University on to-morrow morning at ten o'clock; which was laid on the table.

Mr. Winston presented the petition of George Tillman, of Sumter county; which was referred to the committee on education.

Mr. Toulmin offered a bill to be entitled an act the better to define the liabilities of Executors, Administrators and their securities; which was read a first time and ordered to a second reading.

Mr. Yancey offered a bill to be entitled an act to repeal the fourth section of an act entitled an act to regulate the management and expenses of the Bank of the State of Alabama and its several Branches; which was read the first time and ordered to a second reading.

Mr. Ross from the committee on enrolled bills made the following report:

The committee on enrolled bills have examined and find correctly enrolled,

An act to divorce John W. Jones from his wife Minerva Jones.

On motion of Mr. King, a bill in relation to the withdrawal of the sixteenth section fund from the Banks, was withdrawn from the orders of the day, and referred to the committee on education.

A message from the House inviting the Senate into the Hall of the House for the purpose of electing Judges of several county courts.

The Senate forthwith repaired to the Hall of the House, were seated, and the President announced that the two houses had assembled for the purpose of electing a Judge of the county court of Pickens, Lawrence, Walker and Randolph counties.

The two Houses proceeded first to the election of a Judge of the County Court of Pickens County.

The names of *Lemuel A. Gilkey* and *Z. L. Nabors*, being in nomination.

Those who voted for *Mr. Gilkey*, are messrs. Arrington, Creagh, Dent, Dougherty, Hardaway, Hudson, King, McAlpin, Oliver, Phillips, Ross, Walker of B. Walker of L. Walthall, Ward, Watkins and Yancey of the Senate; and messrs. Allen, Anderson, Baldwin, Banks, Barker, Barron, Campbell, Clemens, Cook, Davis of B. Dear, Drane, Dunn, Fletcher, Hale Hefflin, Howard, Humphreys, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, McAlpin, McGriff, McLemore, McMillion of J. Mitchell, Moore of M. Morris, Morrisett, Nall, Oliver, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Sykes, Trawick, Turner, Walker, Webb, Williams of H. Williams of J. Winston and Witherspoon of the House—63.

Those who voted for *Mr. Nabors*, are messrs. President, Bishop, Brindley, Burney, Fleming, Foster, Kelley, Marchbanks, McClanahan, Toulmin, Watrous, Wilson and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Bridges, Bryan, Caffey, Calloway, Clarke, Cobb, Davis of L. Douglass, Evans, Franks, Frazier, Garrett, Griffin, Hancock, Hargis, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Huntington, Jackson of A. Lang, Lankford, Martin, McCartney, McLeod, McMillion of B. Meriwether, Miree, Moore of B. Mudd, Norman, Owens, Portis, Reid, Sandidge, Steele, Tate, Taylor, Todd, Troup, Whitsett and Williams of J. of the House.—60.

Mr. Gilkey having received a majority of all the votes given, Mr.

Speaker declared him duly and constitutionally elected Judge of the County Court of Pickens county, for the term prescribed by the constitution.

The two Houses next proceeded to elect a Judge of the County Court of Lawrence county.

The names of *Wiley Galloway* and *Richard O. Pickett* being in nomination.

Those who voted for *Mr. Galloway*, are messrs. Bishop, Brindley, Creagh, Fleming, Foster, Hudson, King, Marchbanks, McClanahan, Toulmin, Walker of L. Walthall, Ward, Watkins, Wilson and Winston of the Senate; messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Caffey, Calloway, Clarke, Cobb, Fletcher, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Huntington, Lankford, Martin, McCarty, McMillion of B. McMillion of J. Meriwether, Micee, Morris, Norman, Portis, Reid, Rose, Sandidge, Steele, Stringer, Troup, Turner, Walker, Whitsett and Winston of the House of Representatives.

Those who voted for *Mr. Pickett*, are messrs. President, Arrington, Burney, Dent, Dougherty, Hardaway, Kelly, McAlpin, Oliver, Phillips, Ross, Walker of B. Watrous and Yancey of the Senate; and messrs. Anderson, Baldwin, Banks, Barron, Bryan, Campbell, Clemens, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Franks, Frazier, Hale, Hill of B. Howard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McLea more, McLeod, Mitchell, Moore of B. Moore of M. Morrisett, Mudd, Nall, Oliver, Owens, Scruggs, Segar, Snowden, Spruill, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Webb, Williams of H. Williams of J. and Witherspoon of the House—66.

Mr. Pickett having received a majority of all the votes given, was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Lawrence County, for the term prescribed by the constitution.

The two Houses next proceeded to elect a Judge of the County Court of Walker County.

The name of *Wade B. Taylor* being alone in nomination, and he having received all the votes given, (one hundred and twenty) was declared by Mr. Speaker duly elected Judge of the County Court of Walker county, for the term prescribed by the constitution.

The two Houses next proceeded to elect a Judge of the County Court of Randolph County.

The names of *Jefferson Faulkner* and *Andrew J. Hamilton* being in nomination.

Those who voted for *Mr. Faulkner*, are messrs. President, Bishop, Brindley, Creagh, Foster, Hudson, Marchbanks, Toulmin, Walker of B. Walthall and Watrous of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan, Caffey, Calloway, Clarke, Cobb, Davis of L. Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T.

Johnston, Lang, Lankford, Martin, McGriff, McLeod, McMillion of B. Meriwether, Miree, Moore of mad. Morris, Owens, Portis, Reid, Rose, Steele, Stringer, Tate, Taylor, Todd, Trawick, Troup, Whitsett and Winston of the House—66.

Those who voted for *Mr. Hamilton*, are messrs. Arrington, Burney, Dent, Dougherty, Fleming, Hardaway, Kelly, King, McAlpin, McClanahan, Oliver, Phillips, Ross, Walker of L. Ward, Watkins, Wilson, Winston and Yancey of the Senate; and messrs. Anderson, Baldwin, Banks, Barker, Barron, Campbell, Clemens, Cook, Davis of B. Dear, Drage, Douglass, Dunn, Hale, Howard, Jackson of B. McAlpin, McCarty, McLemore, McMillion of J. Mitchell, Morrisett, Mudd, Nall, Norman, Oliver, Sandidge, Scruggs, Segar, Snowden, Spruill, Storrs, Sykes, Turner, Walker, Webb, Williams of H. Williams of J. and Witherspoon of the House—60.

Mr. Faulkner having received a majority of the votes given, was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Randolph County, for the term prescribed by the constitution.

Mr. Dent introduced a bill to be entitled an act to incorporate the town of New Lexington, in the county of Tuscaloosa; which was read the first time and ordered to a second reading.

Mr. Hardaway offered a bill to be entitled an act for the relief of James Burnett and Thomas Greenbury; which was read the first time and ordered to a second reading.

Mr. Hudson introduced a bill to be entitled an act to regulate the rate of interest: read the first time and ordered to a second reading.

On motion of Mr. Watkins, the Senate adjourned until Thursday morning, ten o'clock.

SENATE CHAMBER, Thursday, December 14, 1843.

The Senate met pursuant to adjournment of Tuesday.

The minutes of yesterday were read and approved.

The Honorable William B. Moores, Senator from the Senatorial district of the county of Marengo, appeared in the Senate and took his seat.

Mr. Toulmin presented the petition of Thomas Phillips, of Mobile county; and, on his motion, was referred to the committee on propositions and grievances.

Mr. Walker, of B., from the judiciary committee, offered the following report:

The judiciary committee, to which was referred the petition of the commissioners of the county court of Clarke county, report the same of not sufficient magnitude to require special legislation at this time, and ask to be discharged from the further consideration of the subject; which report was laid on the table by motion of Mr. Creagh.

Mr. Walker, from the same committee, to which was referred a bill to be entitled an act to change the mode of collecting and the safe keeping of moneys due from purchasers of sixteenth sections in the several

counties of this State, and for other purposes, reported the same back to the Senate, and ask that the bill may be referred to the committee on education; in which report the Senate concurred.

Mr. Marchbanks, from the select committee, to which was referred the petition of sundry citizens, of Fayette county, in behalf of Lorenzo Walker, reported joint resolutions; which was read the first time and ordered to be read a second time to-morrow.

Mr. King offered joint resolutions, declaring the Cashier of the State Bank to be the Treasurer of the State, and providing for his election annually by a joint vote of both Houses; was read the first time and ordered to a second reading.

Mr. President announced the orders of the day.

The engrossed bill from the House of Representatives, to be entitled an act in aid of the county Treasury, of Russell county, &c. was read a second time and ordered to a third reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to change the name of a certain person therein named, was read a second time and ordered to a third reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to change the time of holding the winter term of the county court, in and for the county of Greene, was read the second time, the rule suspended, read the third time and passed.

The engrossed bill from the House of Representatives, to be entitled an act concerning the county taxes of Monroe county, was read the second time and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to amend the charter of the Marine rail-way and insurance company of Mobile; was read the third time and passed.

An engrossed bill to be entitled an act to authorize the commissioners of the sixteenth section, of township twenty-two, range two West, Tuscaloosa land district, in the county of Sumter, to rescind a certain contract therein named, was, on motion of Mr. Walker, of L, laid on the table.

An engrossed bill to be entitled an act concerning the sixteenth section of township sixteen, range twenty-nine, Russell county, was on motion of Mr. Walker of L. laid on the table.

A bill to be entitled an act to revive and continue in force an act entitled an act to authorize the commissioners court of Butler county to levy an additional tax, was read the second time, and on motion of — was referred to the judiciary committee, with instructions to report a general bill covering the premises.

A bill to be entitled an act for the relief of securities in certain cases, was read a second time and referred to the judiciary committee.

A bill to be entitled an act for the relief of James G. Lyon, was read a second time, and referred to the committee on the State Bank.

A bill to be entitled an act to require all persons to give security for costs who obtain a change of venue in civil cases, was read the second time, and referred to the judiciary committee.

A bill to be entitled an act the better to define the liabilities of execu-

Vors, administrators and their securities, was read a second time, and referred to the judiciary committee.

A bill to be entitled an act to repeal the fourth section of an act entitled an act to regulate the management and expenditures of the Bank of the State of Alabama and its several Branches, approved eleventh February, eighteen hundred and forty-three, was read a second time and referred to the committee on the State Bank.

A bill to be entitled an act to incorporate the town of New Lexington, in the county of Tuscaloosa, was read the first time, the rule suspended, read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of James Bennett and Thomas Greenburg, was read a second time, and referred to the committee on education.

A bill to be entitled an act to regulate the rate of interest, was read a second time, and on motion of Mr. Brindley, was amended, and on motion of Mr. Phillips, further amended, and the bill with the amendments was referred to a select committee of five, to wit: Messrs. Hudson, Dougherty, Winston, Brindley and Phillips.

Mr. President announced that the hour of eleven o'clock had arrived, and the Senate resolved itself into committee of the whole on the special order of the day:

A bill to be entitled an act to regulate the manner of advertising sheriffs' and coroners' sales of personal property in this State, Mr. Hudson in the chair; and after some time passed in discussion, and asked leave to sit again; which was granted.

Mr. President resumed the chair.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—I am instructed to invite the Senate to repair to the Hall of the House for the purpose of electing Judges of the county courts of Dallas, Conecuh and Tallapoosa counties.

The Senate then forthwith repaired to the Hall of the House, and when seated Mr. President announced that the two houses had assembled for the purpose of electing a Judge of the county court of Dallas, Conecuh and Talladega counties.

The two Houses proceeded first to elect a Judge of the County Court of Dallas.

The names of *William E. Bird* and *Addison J. Saffold* being in nomination.

Those who voted for *Mr. Bird*, are messrs. President, Arrington, Brindley, Foster, King, Marchbanks, McAlpin, McVay, Moores, Phillips, Walker of L. Walthall, Wilson, and Yancey of the Senate; and messrs. Speaker, Barker, Barron, Bridges, Campbell, Clancey, Clarke, Cook, Douglass, Evans, Franks, Garrett, Griffin, Hatcher, Hendrix, Hill of B. Howard, Humphreys, J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, Moore of B. Mudd, Owens, Sandidge, Steele, Tate, Troup, Turner, Walker, Williams of H. Winston and Witherspoon of the House.—49.

Those who voted for *Mr. Saffold*, are messrs. Bishop, Burney, Creagh, Dent, Dougherty, Fleming, Hardaway, Hudson, Kelly, McClanahan,

Oliver, Ross, Toulmin, Walker, Ward, Watrous, Watkins and Winston of the Senate; and messrs. Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Bryan, Caffey, Calloway, Cobb, Davis of B. Davis of L. Dear, Drane, Dunn, Fletcher, Frazier, Hale, Hancock, Harris, Hefflin, Hill of T. Holstein, Hubbard, Huntington, Jackson of A. Jackson of B. Jones of F. Martin, McCarty, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Nall, Norman, Oliver, Portis, Reid, Rose, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Taylor, Todd, Trawick, Webb, Whitsett and Williams of J. of the House—77.

Mr. Saffold having received a majority of all the votes given, *Mr. Speaker* declared him duly and constitutionally elected Judge of the County Court of Dallas County, for the constitutional term.

The two Houses next proceeded to ballot for a Judge of the County Court of Conecuh County.

The names of *B. J. Goodloe* and *Augustus Jones* being in nomination.

Those who voted for *Mr. Goodloe*, are messrs. Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McVay, Ross, Walker of L. Walthall, Ward and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barron, Calloway, Clancey, Clarke, Cobb, Cook, Davis of B. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hatcher, Hefflin, Hendrix, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McCarty, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of M. Morris, Mudd, Nall, Norman, Oliver, Owens, Portis, Reid, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Sykes, Tate, Trawick, Troup, Turner, Walker, Webb, Williams of H. Williams of J. and Witherspoon of the House of Representatives—93.

Those who voted for *Mr. Jones*, are messrs. President, McAlpin, McClanahan, Oliver, Phillips, Toulmin, Walker of B. Watkins, Wilson and Yancey of the Senate; and messrs. Barker, Bridges, Bryan, Caffey, Campbell, Davis of L. Holstein, Howard, Jackson of A. Jackson of B. Jones of F. McAlpin, Miree, Mitchell, Morrisett, Rose, Sandidge, Steele, Taylor, Todd and Whitsett of the House—31.

Mr. Goodloe having received a majority of all the votes given, *Mr. Speaker* declared him duly elected Judge of the County Court of Conecuh County, for the constitutional term.

The two Houses next proceeded to the election of a Judge of the County Court of Talladega County:

The names of *John J. Woodward*, *William W. Rice* and *John H. Townsend*, being in nomination.

Those who voted for *Mr. Woodward*, are messrs. President, Brindley, Hudson, McClanahan, McVay, Walker of L. Ward and Winston of the Senate; and messrs. Speaker, Allen, Calloway, Clancey, Cook,

Davis of L. Franks, Hill of T. Humphreys, Jackson of A. Jackson of B. McCartney, McGriff, McLeod, McMillion of B. Miree, Portis, Reid, Rose, Sandidge, Scruggs, Snowden, Steele, Stringer, Tate, Trawick. Troup, Walker and Whitsett of the House—37.

Those who voted for *Mr. Rice*, are messrs. Bishop, Creagh, Fleming, Foster, Marchbanks, Moores, Ross, Toulmin, Walker of B. Walthall, Watkins and Yancey of the Senate; and messrs. Aldridge, Alexander, Barker, Bridges, Bryan, Caffey, Campbell, Clarke, Douglass, Evans, Fletcher, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of B. Holstein, Hubbard, Huntington, Jones of F. Lang, Lankford, Martin, McMillion of J. Meriwether, Moore of B. Moore of M. Morris, Norman, Sykes, Taylor, Todd, Turner, Webb, Williams of J. and Winston of the House—50.

Those who voted for *Mr. Townsend*, are messrs. Arrington, Burney, Dent, Dougherty, Hardaway, Kelly, King, McAlpin, Oliver, Phillips, Watrous and Wilson of the Senate; and messrs. Anderson, Baldwin, Banks, Barron, Cobb, Davis of B. Dear, Drane, Dunn, Frazier, Hatcher, Howard, J. D. Johnson, R. T. Johnston, McAlpin, McLemore, Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Segar, Spruill, Storrs, Williams of H. and Witherspoon of the House—39.

Neither having received a majority, the two Houses proceeded to ballot a second time.

Those who voted for *Mr. Rice*, are messrs. President, Bishop, Brindley, Creagh, Dent, Fleming, Foster, Marchbanks, McVay, Oliver, Ross, Toulmin, Walker of B. Walthall, Watkins and Yancey of the Senate; and messrs. Aldridge, Alexander, Barker, Bridges, Bryan, Caffey, Campbell, Clancey, Clarke, Cobb, Davis of L. Douglass, Evans, Fletcher, Franks, Garrett, Griffin, Hale, Hendrix, Hill of B. Holstein, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, Martin, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of mad. Morris, Reid, Sykes, Taylor, Todd, Turner, Walker, Webb, Williams of J. and Winston of the House—59.

Those who voted for *Mr. Woodward*, are messrs. Hudson, McClanahan, Walker of L. Ward and Winston of the Senate; and messrs. Speaker, Allen, Baldwin, Calloway, Cook, Harris, Hefflin, Hill of T. Howard, Jackson of A. Jackson of B. McCartney, McGriff, McLeod, Miree, Morrisett, Portis, Rose, Sandidge, Scruggs, Snowden, Steele, Stringer, Tate, Trawick, Troup and Whitsett of the House—32.

Those who voted for *Mr. Townsend*, are messrs. Arrington, Burney, Dougherty, Hardaway, Kelly, King, McAlpin, Moores, Phillips, Watrous and Wilson of the Senate; and messrs. Anderson, Banks, Barror, Davis of B. Dear, Drane, Dunn, Frazier, Hancock, Hatcher, J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Mudd, Nall, Norman, Oliver, Owens, Segar, Spruill, Storrs, Williams of H. and Witherspoon of the House—35.

Neither having received a majority, and the name of *Mr. Townsend* having been withdrawn, the two Houses proceeded to ballot a third time:

Those who voted for *Mr. Rice*, are messrs. President, Bishop, Brindley, Burney, Creagh, Fleming, Foster, Hardaway, Kelly, King, Marchbanks, *McVay*, Oliver, Ross, Toulmin, Walker of B. Walthall, Watkins, Watrous and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Baldwin, Barker, Bridges, Bryan, Caffey, Campbell, Clancey, Clarke, Cobb, Davis of B. Douglass, Evans, Fletcher, Griffin, Hale, Hendrix, Hill of B. Holstein, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, Martin, *McAlpin*, *McMillion* of B. *McMillion* of J. Meriwether, Moore of B. Moore of mad. Morris, Mudd, Norman. Owens, Reid, Storrs, Sykes, Taylor, Todd, Turner, Walker, Webb, Williams of J. Winston and Witherspoon of the House—69.

Those who voted for *Mr. Woodward*, are messrs. Arrington, Dougherty, Hudson, *McAlpin*, *McClanahan*, Phillips, Walker of L. Ward, Wilson and Winston of the Senate; and messrs. Speaker, Anderson, Banks, Barron, Calloway, Cook, Dear, Drane, Franks, Frazier, Garrett, Hancock, Harris, Hatcher, Hefflin, Hill of T. Howard, Jackson of A., J. D. Johnson, R. T. Johnston, *McCartey*, *McGriff*, *McLemore*, *McLeod*, Mitchell, Miree, Morrisett, Nall, Oliver, Portis, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Tate, Trawick, Troup, Whitsett and Williams of the House—53.

Mr. Rice having received a majority of all the votes given, Mr. Speaker declared him duly elected Judge of the County Court of Talladega County, for the constitutional term.

The Senate then withdrew to their chamber.

Mr. President resumed his seat, and called the Senate to order.

Mr. Hudson reported that the committee of the whole on the special order of the day, had made some progress, and had leave to sit again.

Mr. Moores called from the table a bill to be entitled an act concerning the sixteenth section of township sixteen, range twenty-nine, in Russell county, which was read a third time and passed.

Mr. Winston called from the table a bill to be entitled an act to authorize the commissioners of the sixteenth section of township twenty-two, range two, west Tuscaloosa land district, in the county of Sumter, to rescind a certain contract therein described, was read a third time and passed.

The Senate again resolved itself into a committee of the whole on the special order of the day, and after some time spent in discussion,

Mr. Hudson reported progress, and on motion of

Mr. Kelley, the committee were discharged from its further consideration.

Mr. Watkins then moved that the bill and amendments be referred to the committee on the judiciary.

Mr. Winston presented accounts from James H. Thompson, sheriff of Sumter county; which were referred to the committee on accounts and claims.

Mr. President laid before the Senate the annual report of the Treasurer of the State of Alabama; which was laid on the table, and on motion of

Mr. Hudson, five hundred copies ordered to be printed.

On motion of Mr. Hudson, the report of the Commissioners of the Bank of Mobile was taken from the table, and referred to the State Bank Committee.

Mr. Yancey offered the following resolution, which was adopted:

Resolved by the Senate, That, with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Wednesday, at twelve o'clock m., for the purpose of electing three Inspectors for the State Penitentiary.

Mr. Ross, from the committee on enrolled bills, reported, as correctly enrolled, bills of the following titles, viz:

An act to change the time of holding the February term of the county court of Perry county;

An act to legalize a certain term of the county court of Tuscaloosa county therein named;

An act in relation to the nomination of Bank Directors.

Also joint resolutions upon the subject of postage.

Mr. Dent offered the following resolution, which was adopted:

Resolved by the Senate, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Wednesday next, the twentieth instant, at twelve o'clock m. for the purpose of electing an Attorney General for the State of Alabama.

Mr. Hardaway presented the petition of many citizens of Russell county; and, on his motion, referred to the committee on education.

On Mr. McClanahan's motion, the Senate adjourned until ten o'clock, to-morrow morning.

SENATE CHAMBER, FRIDAY, December 15th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Yancey presented the petition of Samuel Camochan and Albert Crumpler, together with many citizens of Coosa and Autauga counties; which was, on his motion, referred to the committee on the judiciary.

Mr. Brindley, from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Marion county, asking that a toll bridge may be erected across the Buttahatche river, reported the same back to the Senate, and asked to be discharged from its further consideration, which report was concurred in.

Mr. Winston offered a bill to be entitled an act to compensate the sheriff of Sumter county for ex-officio services, was read the first time, and ordered to a second reading on to-morrow.

Mr. Arrington offered a bill to be entitled an act to provide for taking the census of the State of Alabama in the year 1844, was read the first time, and ordered to a second reading on to-morrow.

Mr. Yancey offered the following resolution, which was adopted:

Resolved, That the State Printers be instructed to furnish thirty-

three copies of the reports of the Penitentiary, with a table annexed, showing the names, ages, crimes, &c. of the convicts, for the use of the Senate.

Mr. Hudson offered the following resolution, which was adopted :

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Friday, the twenty-second instant, at twelve o'clock M. for the purpose of going into the election of a Judge of the Third Judicial Circuit, occasioned by the resignation of the Honorable Peter Martin ; also a Judge of the Eighth Judicial Circuit, occasioned by the expiration of the term of the Honorable Abraham Martin; and, also, a Judge of the Ninth Judicial Circuit, occasioned by the death of the Honorable Eli Shortridge.

Mr. Burney offered the petition of James B. Stephens and James C. Sankey, executors of the last will and testament of John S. Sankey, deceased: which was, on his motion, referred to the committee on the judiciary.

Mr. Foster offered a joint resolution, requiring the President and Directors of the Branch Bank of the State of Alabama at Mobile, to make a settlement with the heirs of (or other persons properly authorized) David H. Burke; which was read the first time, and ordered to a second reading on to-morrow.

Mr. President announced the orders of the day :

The joint resolutions for the relief of Lorenzo Walker, of Fayette county, was read the second time, and on the question of its being engrossed for a third reading, the ayes and nays being demanded, there were—ayes 15, nays 14.

So the bill was ordered to be engrossed for a third reading.

Those who voted in the affirmative, are Messrs. Brindley, Burney, Creagh, Hardaway, Hudson, King, Marchbanks, McClanahan, McVay, Toulmin, Walker of L. Walthall, Watkins, Wilson and Yancey—15.

Those who voted in the negative, are Messrs. President, Bishop, Dent, Dougherty, Fleming, Foster, Kelly, McAlpin, Oliver, Phillips, Ross, Walker of B. Ward and Winston—14.

The joint resolutions declaring the Cashier of the State Bank to be the Treasurer of the State, and providing for his election annually by joint vote of both Houses, was read the second time, and referred to the committee on retrenchment and reform.

Engrossed bill from the House of Representatives, to be entitled an act in aid of the county treasury of Russell county, was read the third time and passed.

Engrossed bill from the House of Representatives, to be entitled an act to change the name of a certain person therein named, was read a third time and passed.

Engrossed bill from the House of Representatives, to be entitled an act concerning the county taxes of Monroe county, was read the third time and passed.

An engrossed bill to be entitled an act to incorporate the town of New

Lexington, in the county of Tuscaloosa, was read the third time, and on the passage of the bill the yeas and nays were demanded—yeas 18, noes 12.

Those who voted in the affirmative, are Messrs. Arrington, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, King, McAlpin, McVay, Oliver, Phillips, Ross, Toulmin, Walker of L. Wal-
thall and Yancey—18.

Those who voted in the negative, are Messrs. President, Bishop, Hudson, Kelly, Marchbanks, McClanahan, Walker of B. Ward, Watkins, Watrous, Wilson and Winston—12.

A message from the House, by Mr. Clitherall:

Mr. President—The House has passed bills of the following titles, viz:

A bill to provide for compensation for the killing of wolves.

A bill for the relief of Benjamin Magonisk.

A bill to compensate tales jurors in the county of St. Clair.

A bill to compensate certain officers therein named.

A bill to authorize the levy of a special tax in the county of Marion.

A bill to compensate the commissioners of roads and revenue in Russell county.

A bill to authorize the levy of a special tax to build a court house in the county of St. Clair.

A bill for the relief of the Methodist Episcopal Church at the Mountain Spring camp ground, in the county of Jackson.

A bill regulating the working of roads in Baldwin county, in certain cases.

A bill to repeal part of an act therein named, and for other purposes; in all of which the concurrence of the Senate is respectfully asked.

The message of the House was then taken up.

Engrossed bill from the House, entitled an act providing compensation for the killing of wolves, was read the first time, and the Senate refused to order it to a second reading.

Engrossed bill from the House, to be entitled an act for the relief of Benjamin Magonisk, was read the first time, and ordered to a second reading.

Engrossed bill from the House to be entitled an act to compensate tales jurors in the county of St. Clair, was read a first time and ordered to a second reading.

Engrossed bill from the House, to be entitled an act to authorize the levy of a special tax in the county of Marion, was read the first time, and ordered to a second reading.

Engrossed bill from the House, to be entitled an act to compensate the commissioners of roads and revenue in Russell county, was read the first time, and ordered to a second reading.

Engrossed bill from the House, to be entitled an act to authorize the levy of a special tax to build a court house in the county of St. Clair, was read the first time, and ordered to a second reading on to-morrow.

Engrossed bill from the House, to be entitled an act for the relief of the Methodist Episcopal church at Mountain Spring camp ground, in Jackson county, was read a first time, and ordered to a second reading.

Engrossed bill from the House, to be entitled an act to regulate the working of roads in Baldwin county, was read the first time, and, on motion of Mr. Creagh, was laid on the table.

Engrossed bill from the House, to be entitled an act to repeal in part a certain act therein named, and for other purposes, was read a first time, and ordered to a second reading.

A message from the House of Representatives:

Mr. President—The House of Representatives has passed a bill to amend an act incorporating the Centenary Institute of the Alabama annual conference of the Methodist Episcopal church, in the county of Dallas, which originated in the Senate.

Mr. Phillips offered the following resolution, which was adopted:

Resolved, That with the concurrence of the House of Representatives, the two houses will assemble in the Hall of the House on Friday, the twenty-second inst., at twelve o'clock, M. for the purpose of going into the election of a solicitor for the eighth judicial circuit, occasioned by the resignation of Sampson W. Harris, Esq.

Mr. Wilson offered the following resolution, which was adopted:

Resolved, That with the concurrence of the House, the two houses will assemble in the Hall of the House on Tuesday, the nineteenth inst. at twelve o'clock, M. for the purpose of going into the election of a judge of the Supreme court, to fill the vacancy occasioned by the resignation of the Honorable Henry Goldthwaite.

On motion of Mr. King, the Senate adjourned until ten o'clock, tomorrow morning.

SENATE CHAMBER, Saturday, December 16, 1843.

The Honorable Mr. Reese, Senator from the Senatorial district composed of the counties of Randolph and Chambers, appeared in the Senate and took his seat.

Mr. Phillips presented the petition of R. Duckworth; which, on his motion, was referred to the committee on the judiciary.

Mr. Walker of B. from the committee on education, made a report on the memorial of the Mobile medical society, and reported the same as inexpedient; and on the motion of Mr. Toulmin, the report and memorial was laid on the table.

Mr. Walker of B. from the judiciary committee, to which was referred the petition of sundry citizens of Bibb county, reported the same as inexpedient; which report was concurred in.

Mr. Walker from the same committee, to which was referred a resolution enquiring into the expediency of changing the word "authorized," for "required," in Clay's Digest, tenth section, under the head of "vice and immorality," reported the same as inexpedient.

And on motion of Mr. Brindley, the report was laid on the table.

Mr. Walker, from the same committee, to which was referred the petition of James H. Irvine, James H. Weekley, and others, praying to be released from a debt contracted by them, and expended on the Tennessee

canal, reported the same as inexpedient, and on motion of Mr. McVay, laid on the table.

Mr. McVay, from the committee on propositions and grievances, reported the following bill, which was read the first time, and ordered to a second reading on to-morrow.

A bill to be entitled an act to authorize Abraham Shanklin to emancipate a certain slave therein named.

Mr. Walker, from the judiciary committee, to which was referred the memorial of the President and Directors of the marine rail-way and insurance company of Mobile, that as a bill was now in progress in the Senate embracing the views of the memorialists, asked to be discharged from its further consideration. Concurred in by the Senate.

Mr. Walker, from the same committee, to which was referred a bill to be entitled an act for the relief of securities in certain cases, reported it inexpedient to pass the bill; in which report the Senate concurred.

Mr. Walker, from the same committee, to which was referred the petition of the commissioners court of Monroe county, asking the passage of a local law to levy a tax for county purposes, reported that a bill was now in progress before the Legislature embracing the prayer of the petitioners, and asked to be discharged from its further consideration; in which the Senate concurred.

Mr. Walker, from the same committee, to which was referred a resolution enquiring into the expediency of amending the law in relation to clerks' fees so as to allow registers in chancery the same fees as clerks of the county courts, reported it inexpedient to legislate on the subject, and asked to be discharged from its further consideration, in which the Senate concurred.

Mr. Phillips, from the judiciary committee to whom was referred a bill to be entitled an act to repeal a certain act therein named, reported the same back to the Senate, and recommended its passage.

Mr. Walker of L. from the committee on education, to whom was referred the petition of the citizens of Benton county, in relation to the deposite of their sixteenth section funds, reported the prayer of the petitioners as inexpedient; in which report the Senate concurred.

Mr. Toulmin, from the State Bank committee, to whom was referred a bill to be entitled an act to repeal the fourteenth section of an act entitled an act to regulate the management and expenses of the Bank of the State of Alabama and its several Branches, approved the eleventh February, eighteen hundred and forty-three, reported that it is inexpedient to pass the same; and on motion of Mr. Walthall, the bill and report was re-committed to the same committee.

Mr. Ross, from the committee on enrolled bills, reported as correctly enrolled, an act to amend an act incorporating the Centenary Institute of the Alabama annual conference of the Methodist Episcopal church in the county of Dallas.

Mr. Toulmin, from the State Bank committee, to whom was referred a bill for the relief of James G. Lyon, reported that it was inexpedient to

pass the same; and on motion of Mr. Hudson, the report and bill was laid on the table.

Joint resolutions of the General Assembly of the State of Alabama, in relation to the real and personal property belonging to the State Bank and Branches, was read the first time, and ordered to a second reading on to-morrow.

Mr. Winston introduced a bill to be entitled an act in relation to the duties of clerks of courts and registers in chancery in Sumter county, was read the first time, and ordered to a second reading.

Mr. Foster, from the judiciary committee to whom was referred, a bill to be entitled an act to require all persons to give security for costs who obtain a change of venue in civil cases, reported that it was inexpedient to pass said bill; and on motion of Mr. Hudson, the bill and report was laid on the table.

Mr. Fleming offered the following resolution, which was adopted:

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of reducing the pay and salaries of Bank officers, and that they report by bill or otherwise.

Mr. Dent offered the following resolution, which was adopted:

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of lessening the number of officers, and expenses of the Bank of the State of Alabama, and the several Branches, and if on full investigation, they are of opinion the number of officers and expenses can be reduced without injury to the institutions, they report a bill to the Senate in accordance thereto.

Mr. Dougherty offered a bill to be entitled an act to rescind the contract heretofore made between Meshack Turner and the commissioners of township nineteen, range twenty-five, in the Tallapoosa land district; for the south east quarter of section nine, in lieu of section sixteen, in said township, was read the first time, and ordered to a second reading.

Mr. Phillips offered a bill to be entitled an act in relation to certain escheated property in the county of Dallas; which was read the first time and ordered to a second reading on to morrow.

Mr. President laid before the Senate a communication from the Secretary of State, in relation to the vote on changing the Constitution, in DeKalb county, taken on the first Monday in August last, and, on motion it was laid on the table.

Mr. Fleming offered the following resolution, which was adopted:

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of amending the law now in force requiring the names of all the old endorsers before a note or bill can be renewed, so that notes can be renewed without reference to the old securities, and that they report by bill or otherwise.

Mr. Hardaway offered a bill to be entitled an act to regulate conjugal rights as they regard property, was read the first time, and ordered to a second reading.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives have passed the following bills, to wit:

A bill to be entitled an act for the relief of John M. Jackson.

A bill to be entitled an act to require the Judge of the Second Judicial Circuit, to hold a special term of the circuit court of Wilcox county, which originated in the House of Representatives, in all of which the concurrence of the Senate is asked.

The message from the House of Representatives was taken up.

Engrossed bill to be entitled an act for the relief of John M. Jackson was read a first time, the constitutional rule suspended, the bill read a second time, and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives, entitled an act to require the Judge of the Second Judicial Circuit to hold a special term of the circuit court of Wilcox, was read a first time, the constitutional rule suspended, read a second time, and referred to the judiciary committee.

Mr. President announced the orders of the day :

A bill to be entitled an act to compensate the sheriff of Sumter county for ex-officio services was read a second time; and on motion of Mr. Winston, was referred to a select committee.

Messrs. Winston, Fleming and Marchbanks were appointed that committee.

A bill to be entitled an act to provide for taking the census of the State of Alabama in the year eighteen hundred and forty-four; was read a second time and referred to the committee on the judiciary, by motion of Mr. McClanahan.

Joint resolutions in relation to the settlement between the President and Directors of the Branch Bank of the State of Alabama and the heirs of the late David H. Burke, was read a second time and referred to the State Bank committee.

Engrossed joint resolutions for the relief of Lorenzo Walker of Fayette county, was read a third time and

Mr. Dent moved its indefinite postponement, on which the ayes and nays were demanded—yeas 14, and nays 18.

Those who voted in the affirmative, are Messrs. President, Arrington, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, King, McAlpin, Phillips, Ward, Watrous and Winston—14.

Those who voted in the negative, are Messrs. Bishop, Brindley, Burney, Creagh, Hudson, Marchbanks, McClanahan, McVay, Oliver, Reese, Ross, Toulmin, Walker of B. Walker of L. Walthall, Watkins, Wilson and Yancey—18.

The Senate refused to postpone the bill, and was then put on its passage, and the ayes and nays being demanded, there were yeas 18; nays 14.

Those who voted in the affirmative are, Messrs. Bishop, Brindley, Burney, Creagh, Hardaway, Hudson, Marchbanks, McClanahan, McVay, Oliver, Ross, Toulmin, Walker of B. Walker of L. Walthall, Watkins, Wilson and Yancey.

Those who voted in the negative are, Messrs. President, Arrington, Dent, Fleming, Dougherty, Foster, Kelly, King, McAlpin, Phillips, Reese, Ward, Watrous and Winston.

Engrossed bill from the House of Representatives, entitled a bill for the relief of Benjamin Magonisk; was read the second time, and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives, to be entitled an act to compensate tales jurors in the county of St. Clair, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives, to be entitled an act to compensate certain officers therein named, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the levy of a special tax in the county of Marion, was read the second time; and an amendment proposed by Mr. King, and on his motion, the bill and amendments were referred to the judiciary committee.

Engrossed bill from the House, to be entitled an act to compensate the commissioners of roads and revenue of Russell county; was read the second time, and ordered to a third reading.

Engrossed bill from the House, to be entitled an act to authorize the levy of a special tax to build a court house in the county of St. Clair, was read a second time, and ordered to a third reading.

An engrossed bill from the House, to be entitled an act for the relief of the Methodist Episcopal Church of Mountain Spring Camp Ground, in the county of Jackson, was read the second time, and on motion of Mr. Hudson, was referred to the committee on the judiciary.

Engrossed bill from the House, to be entitled an act to repeal in part a certain act therein named, and for other purposes; was read a second time, and on motion of Mr. Hudson, was referred to a select committee, consisting of Messrs. Hudson, Marchbanks and Walker of L.

A bill to repeal a certain act therein named, was read the second time, and the yeas and nays demanded on ordering it to a third reading—yeas 13, nays 19.

Those who voted in the affirmative, are Messrs. President, Arrington, Burney, Dent, Dougherty, Kelly, King, McAlpin, McClanahan, Phillips, Reese, Ward and Winston—13.

Those who voted in the negative, are Messrs. Bishop, Brindley, Creagh, Fleming, Foster, Hardaway, Hudson, Marchbanks, McVay, Moores, Ross, Toulmin, Walker of L. Watkins, Watrous, Wilson and Yancey—19.

A bill to be entitled an act to require all persons to give security for costs who obtain a change of venue in civil cases, was read a second time, and, on ordering it to a third reading, the yeas and nays were demanded—yeas 14, nays 19.

Those who voted in the affirmative, are Messrs. Arrington, Creagh, Fleming, Foster, Hudson, Kelly, King, Marchbanks, Toulmin, Walker of B. Walthall, Watkins, Winston and Yancey—14.

Those who voted in the negative, are Messrs. President, Bishop, Burney, Brindley, Dent, Dougherty, Hardaway, McAlpin, McClana-

han, Moores McVay, Oliver, Phillips, Reese, Ross, Walker of L. Ward, Watrous and Wilson—19.

Mr. Oliver offered a bill to be entitled an act to amend an act entitled an act to authorize a loan of a portion of the two per cent. fund to the Montgomery and West Point Railroad Company; which was read the first time, and on ordering it to a second reading, the bill was lost.

Mr. Dougherty offered a bill to be entitled an act to grant indulgence to Littleton Wynn, on his note or notes, for the purchase of the west half of section eighteen, in township nineteen, range twenty-six, in lieu of the sixteenth section in said township, under certain conditions; which was read the first time, and ordered to a second reading.

Mr. Moores offered the following resolution:

Resolved, That the proper officer of the State Bank and the different Branch Banks, be required to inform the Senate in how many cases they have given indemnifying bonds to the different sheriffs, and how many suits of the trial of property are now pending in which the said Banks are parties.

Which was adopted, and referred to the State Bank Committee.

Mr. Kelly offered a bill to be entitled an act to repeal in part an act entitled an act to prevent the sacrifice of real estate, approved January first, eighteen hundred and forty-two; was read the first time, and ordered to a second reading.

Mr. Yancey moved to reconsider the vote on the bill to loan a portion of the two per cent. fund to the Montgomery and West Point Railroad Company; which motion prevailed, and the bill ordered to a second reading.

Mr. Ross, from the committee on enrolled bills, reported as correctly enrolled, an act to change the time of holding the winter term of the county court of Greene county.

Mr. Terry offered the following resolution:

Resolved by the Senate, That the State Bank Committee be instructed to inquire into the expediency of authorizing the State Bank and its several Branches to take bills of exchange, drawn on New Orleans and Mobile, in payment of curtailments on debts due said institutions, the bills of exchange to express on their face to be met in gold or silver, or funds equivalent; also into the propriety of raising the damages upon bills of exchange.

On motion of Mr. Yancey, the Senate adjourned until Monday morning, ten o'clock.

SENATE CHAMBER, MONDAY, December 13th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Ross, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act concerning the county taxes of Monroe county;

An act to change the name of a certain person therein named;

An act to alter the time of holding the county court of Morgan county;

An act in aid of the County Treasurer of Russell county.

Mr. Winston presented the petition of the Bar of Sumter county, against abolishing the present chancery system; and on his motion laid on the table.

Mr. Walker of B. from the judiciary committee, to whom was referred a bill to be entitled an act to regulate the advertising the sheriffs' and coroners' sales of land and negroes in this State, reported that the committee have had the same under consideration, and instructed him to report a substitute for the original bill; which was read, and

Mr. Moores moved to postpone the bill indefinitely.

The yeas and nays being demanded, there were yeas 15, nays 17. So the Senate refused to postpone the bill indefinitely.

Those who voted in the affirmative, are Messrs. Arrington, Bishop, Brindley, Fleming, Kelly, King, Marchbanks, McClanahan, McVay, Moores, Walker of L. Walthall, Ward, Watrous, Wilson and Winston.

Those who voted in the negative, are messrs. President, Burney, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, McAlpin, Oliver, Phillips, Reese, Ross, Toulmin, Walker of B. Watkins, and Yancey.

Mr. Watrous moved that the provisions of the act do not extend to the counties of Bibb and Shelby, and on further motions, the counties of Madison, Marion, Fayette, Lauderdale, Blount, Marshall, Morgan, Walker, Talladega, Pike, Butler, Henry, Dale, Covington; Coffee, Jefferson, St. Clair, Sumter, Marengo, Lawrence and Franklin were exempted.

The question was then put on the passage of the bill and the amendments.

The yeas and nays being demanded, there were yeas 19, nays 13.

Those who voted in the affirmative are, messrs. Arrington, Bishop, Brindley, Fleming, Hudson, Kelly, Marchbanks, McAlpin, McClanahan, McVay, Moores, Oliver, Toulmin, Walker of L. Walthall, Ward, Watrous, Wilson, and Winston.

Those who voted in the negative are, messrs. President, Burney, Creagh, Dent, Dougherty, Foster, Hardaway, Phillips, Reese, Ross, Walker of B. Watkins, and Yancey.

On motion of Mr. Walker of B., the bill and amendments were laid on the table.

Mr. Walker of B. from the same committee, to whom was referred a bill to be entitled an act to revive and continue in force an act entitled an act to authorize the commissioners' court of Butler county, to levy an additional tax, reported the bill back to the Senate without amendment, and recommended its passage.

The constitutional rule being suspended, the bill was read the third time and passed.

Mr. Winston from the select committee, to whom was referred a bill to be entitled an act to compensate the sheriff of Sumter county, for ex officio services, reported the same with the following amendment:

Strike out in the thirteenth line, the words "one hundred," and the report was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Creagh, from the select committee, to whom was referred the petition of Thomas Moody, of Clarke county, reported the following bill, which was read the first time and ordered to a second reading on tomorrow.

A bill to be entitled an act for the relief of Dr. Thomas Moody of Clarke county.

Mr. Watrons offered the following resolutions; which was adopted:

Resolved, That the judiciary committee enquire into the expediency of reducing the fees of the clerk of the Supreme court.

Resolved, That the said committee also enquire into the expediency of changing the manner of determining the compensation of said clerk, and that they have leave to report by bill or otherwise.

Mr. Terry presented a petition of sundry citizens of Athens, Alabama; which was read, and on his motion, referred to the committee on the judiciary.

Mr. Brindley offered the following bill: A bill to be entitled an act to repeal in part the present law relating to vice and immorality, which was read the first time and ordered to a second reading.

Mr. Ross from the committee on enrolled bills, made the following report:

The committee on enrolled bills have examined and find correctly enrolled,

An act concerning the sixteenth section, range twenty-nine, in the county of Russell.

Mr. Dougherty offered the following resolution; which was adopted:

Resolved, That the committee on the Penitentiary be requested to enquire into the expediency of compelling the Warden of the Penitentiary to send a sufficient guard after convicts that may be sentenced to labor in that institution.

Mr. Hudson from the select committee, made the following report:

The select committee, to whom was referred an engrossed bill from the House of Representatives, entitled an act to repeal in part a certain act therein named, and for other purposes, have had the same under consideration, and have instructed me to report the same back to the Senate, amended as herein shown, to wit:

In the third section and fourth line after the word "court," add these words "at any other time, be held and deemed returnable to said court;" with this amendment, your committee recommends its passage.

All of which is respectfully submitted.

The Senate concurred in the report.

The rule suspended, the bill read a third time and passed.

Mr. Phillips offered joint resolutions, creating a board control, for the Bank of the State of Alabama and the several Branches thereof;

which was read the first time, and ordered to a second reading on to-morrow.

Mr. President laid before the Senate the report of the Quarter Master General; which was, on motion, laid on the table, and thirty-three copies ordered to be printed.

Mr. Moores presented the petition of sundry citizens of Marengo county, and on his motion, was referred to a select committee, of messrs. Moores and Winston.

Mr. Brindley offered the following bill: A bill to be entitled an act to prevent the charging and collecting of interest in certain cases; was read the first time and ordered to be read a second time on to-morrow.

Mr. Yancey moved that the report of the Inspectors of the Penitentiary, be referred to the committee on the Penitentiary.

It was so ordered.

A message from the House of Representatives:

Mr. President—The House of Representatives concurs in the resolution of the Senate, proposing to assemble in the Hall of the House, on Tuesday the nineteenth instant, for the purpose of electing a Judge of the Supreme court, to fill the vacancy occasioned by the resignation of the Honorable Henry Goldthwaite.

The House concurs in the resolution of the Senate, proposing to assemble in the Hall of the House, on Wednesday next, for the purpose of electing three Inspectors of the Penitentiary, and an Attorney General of the State of Alabama.

The House concurs also in the resolution of the Senate, proposing to assemble in the Hall of the House, on Friday the twenty-second instant, for the purpose of electing a Judge of the third judicial circuit; Judges of the eighth and ninth judicial circuit, and a Solicitor of the eighth judicial circuit.

The House has passed a bill concerning the sixteenth section, of township sixteen, range twenty-nine, in Russell county.

The House has also passed a bill explanatory of an act entitled an act to regulate the State Bank of Alabama, and for other purposes, in which the concurrence of the Senate is requested.

An engrossed bill from the House of Representatives, entitled a bill to be entitled an act explanatory of an act entitled an act to regulate the State Bank of the State of Alabama, and for other purposes, was read the first time, the constitutional rule suspended, read a second and third time, and passed.

Mr. Hudson offered a bill to be entitled an act the better to enforce the liability of sheriffs, and for other purposes; which was read the first and second time, and referred to the committee on the judiciary.

Mr. Yancey offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Thursday the twenty-first instant, at twelve, M., for the purpose of electing a Solicitor of the second judicial circuit, to fill the vacancy occasioned by the expiration of the term of Nathan Cook, Esq.

Mr. Walker of L. offered the following resolution:

Resolved, That the committee on the State Bank be instructed to enquire into the propriety of so changing the existing laws as to authorize the President and Directors, or a majority of them, in all cases to act upon and determine any question appertaining to the transactions of business, and further to authorize them in the renewal of paper, where curtailments are paid to take any additional or other security, as they may deem sufficient and safe.

Which was adopted.

Mr. President announced the orders of the day.

A bill to be entitled an act to authorize Abraham Shanklin to emancipate a certain slave therein named, which was read a second time, and on motion of **Mr. Hudson**, amended by adding, that she shall continue to reside in the county of Mobile.

On ordering it to be engrossed, the yeas and nays were demanded—yeas 18, nays 12.

Those who voted in the affirmative, are messrs. Brindley, Creagh, Dougherty, Hardaway, Hudson, Marchbanks, McClanahan, McVay, Moores, Oliver, Ross, Toulmin, Walker of B. Walker of L. Walthall, Ward, Watkins, and Yancey.

Those who voted in the negative, are messrs. President, Arrington, Bishop, Burney, Dent, Fleming, Kelly, Foster, McAlpin, Phillips, Reese, and Winston.

Joint resolution of the General Assembly of the State of Alabama, in relation to the real and personal property belonging to the State Bank and Branches, was read a second time, and referred to the State Bank committee.

A bill to be entitled an act relating to the duties of clerks of courts and registers in Chancery, in Sumter county, was read the second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to rescind the contract heretofore made between Meshack Turner and the commissioners of township nineteen, range twenty-five, in the Tallapoosa Land District, in lieu of section sixteen in said township, which was read a second and ordered to be engrossed for a third reading.

A bill to be entitled an act in relation to certain escheated property in the county of Dallas, was read the second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to regulate conjugal rights, as they regard property, was read the second time and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives, to be entitled an act to compensate tales jurors, in the county of St. Clair, was read the third time and passed.

Engrossed bill from the House of Representatives, entitled a bill to be entitled an act to compensate certain officers therein named, was read the third time, and on motion of **Mr. Dougherty**, laid on the table.

Engrossed bill from the House of Representatives, entitled a bill to be entitled an act to compensate the Commissioners of roads and revenue of Russell county, was read the third time and passed.

Engrossed bill from the House, to be entitled an act to authorize the levy of a special tax to build a court house, in the county of St. Clair, was read a third time and passed.

A bill to grant indulgence to Littleton Wynn, on his note or notes, was read a second time, and on motion of Mr. Dougherty was referred to the committee on education.

A bill to be entitled an act to repeal in part an act entitled an act to prevent the sacrifice of real estate, approved January first, eighteen hundred and forty-two, was read a second time, and referred to the judiciary committee.

A bill to amend an act entitled an act to authorize a loan of a portion of the two per cent. fund to the Montgomery and West Point rail road company. was read a second time, and referred to the committee on inland navigation and internal improvement.

On motion of Mr. Oliver, Mr. Yancey was added to the committee on inland navigation and internal improvement.

On motion of Mr. Moores, Mr. Reese was added to the committee on the judiciary.

On motion of Mr. Arrington, the Senate adjourned, until to-morrow morning, at ten o'clock.

SENATE CHAMBER, TUESDAY, December 19th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson presented an account from the Secretary of State, showing the disbursement of money in the purchase of stationery, &c., for eighteen hundred and forty-three; which was referred to the committee on accounts and claims.

Mr. Walker of B. presented the petition of the Trustees of the University of Alabama; which was read and referred to the committee on education.

Mr. Walker, from the judiciary committee, to whom was referred the petition of R. Duckworth, asked to be discharged from the further consideration of the subject, in which report the Senate concurred.

Mr Walker, from the same committee, to whom was referred a bill to be entitled an act the better to define the liabilities of administrators, executors, and their securities, reported the same as inexpedient.

Or motion of Mr. Toulmin, the report and bill was laid on the table.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act in relation to costs of prosecution, in criminal cases, in Mobile county, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act for the relief of Benjamin Magonisk, reported the same back to the Senate, and recommended its passage.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act for the relief of John M. Jackson, reported the same back to the Senate, and recommended its passage.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act for the relief of the Methodist Episcopal Church, of Mountain Spring Camp Ground, in Jackson county, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Walker, from the same committee, to whom was referred an engrossed bill from the House of Representatives, entitled an act to authorize the levy of a special tax in the county of Marion, with an amendment thereto, reported that it was not practicable to pass a general law, as proposed in the amendment, and asked to be discharged from the further consideration of the same.

On motion of Mr. Marchbanks, the bill and report was laid on the table.

Mr. Hudson, from the committee on accounts and claims, to whom was referred the accounts of Robert Fenner and Thomas B. Jones, commissioners winding up the Courtland land office, reported the same back to the Senate and asked to be discharged from the further consideration thereof; in which report the Senate concurred; and Mr. Walker of L. had leave to withdraw the account.

Mr. Hudson, from the same committee, to whom was referred the account of James H. Thompson, sheriff of Sumter county, reported the same as inexpedient, in which report the Senate concurred.

Mr. Winston asked leave to withdraw the claim; which was granted.

Mr. Hudson, from the same committee, to which was referred the claim of John Adams, of Macon county, for making returns to the sheriff of Pike county, of the Congressional returns, reported the same as not allowable, against the State treasury, the services not having been performed within the time prescribed by law; which report was laid on the table.

Mr. Hudson, from the same committee, to whom was referred the claim of Joseph Sandlin, of Lawrence county, reported the same back to the Senate, as not being a State charge, and ought not to be allowed; in which report the Senate concurred.

Mr. Hudson, from the same committee, to whom was referred the claim of Bryan S. Mangham, deputy sheriff of Russell county, reported the same back to the Senate as not being properly authenticated, and therefore ought not to be allowed; in which report the Senate concurred; and Mr. Hardaway asked leave to withdraw the account, which was granted.

Mr. Hudson, from the same committee, to whom was referred the accounts of William Williams, sheriff of Macon county, for making returns of the county elections, and advertising the same, reported the same back to the Senate, as not being a State charge, and not allowable; in which report the Senate concurred.

Mr. Hudson, from the same committee, to whom was referred the accounts of James H. Thompson, sheriff of Sumter county, for conveying Napoleon Atkinson to the State Penitentiary, reported the same back to the Senate as improperly referred, and asked to be discharged; in which the Senate concurred; and Mr. Winston had leave to withdraw the claim.

Mr. Watkins, from the committee on education, to whom was referred a bill to be entitled an act authorizing the withdrawal of the sixteenth section fund, now held by the Bank of the State of Alabama and its Branches, reported the same as inexpedient, and on motion of Mr. King, the bill and report was postponed until Thursday next, and made the special order of the day at eleven o'clock, A. M.

Mr. Watkins, from the same committee, to whom was referred joint resolutions asking of Congress the application of the two and three per cent funds, to be applied in aid of the sixteenth section fund, reported the same as inexpedient; and on motion of Mr. McVay, the bill and report was postponed and made the special order of the day on Saturday next, at twelve o'clock, M.

Mr. Toulmin, from the State Bank committee, to whom was referred joint resolutions in relation to the real and personal property belonging to the State Bank and Branches, reported the same back to the Senate, and recommended its passage. The constitutional rule being suspended, the bill was read the third time and passed.

Mr. Bishop introduced the following bill:

A bill to be entitled an act to provide for the appointment of a deputy warden of the Penitentiary; which was read the first time, and ordered to a second reading

Mr. Bishop offered the following resolution, which was adopted:

Resolved, That the judiciary committee be instructed to enquire into the expediency of passing a law to require prosecution in any case of assault and battery, or affray, to enter into bond with sufficient security, conditioned for the effective and successful prosecution of such cause.

Mr. President announced the orders of the day.

Engrossed bill to be entitled an act to compensate the sheriff of Sumter county for ex officio services, was read a third time and passed.

A bill to be entitled an act for the relief of Doctor Thomas Moody, of the county of Clarke, was read a second time, and ordered to a third reading.

A bill to be entitled an act the better to secure the performance of the official duties of justices of the peace, was read a second time, and ordered to be engrossed for a third reading.

Mr. Brindley offered a substitute to a bill to be entitled an act to repeal in part the present law relating to vice and immorality; and on his motion, the bill and amendments were referred to the judiciary committee.

Joint resolutions creating a board of control for the State Bank and the several Branches thereof, was read a second time, and referred to the State Bank committee.

A bill to be entitled an act to prevent the charging and collection of interest in certain cases, was read a second time, and referred to the committee on the State Bank.

Engrossed bill to be entitled an act to authorize Abraham Shanklin to emancipate a certain slave therein named, was read a third time, the bill being on its passage, the yeas and nays being demanded, there were yeas 18, nays 11.

Those who voted in the affirmative, are Messrs. Brindley, Creagh, Har-
daway, Hudson, King, Marchbanks, McClanahan, McVay, Moores, Oli-
ver, Ross, Toulmin, Walker of B. Walker of L. Walthall, Ward, Wil-
son and Yancey.

Those who voted in the negative, are Messrs. President, Bishop, Dent,
Fleming, Foster, Kelly, McAlpin, Phillips, Reese, Watrous and Win-
ston. The bill was then passed.

Engrossed bill to be entitled an act relating to the duties of clerks of
courts and registers in chancery in Sumter county, was read a third time
and passed.

Engrossed bill to be entitled an act to rescind a certain contract there-
in described, made between Meshack Turner and the school commission-
ers of township nineteen, range twenty-five, in the Tallapoosa land dis-
trict, was read a third time, and passed.

Engrossed bill to be entitled an act in relation to certain escheated pro-
perty in the county of Dallas, was read the third time and passed.

A bill to be entitled an act in relation to costs of prosecutions in crim-
inal cases in Mobile county, was read the second time, and ordered to be
engrossed for a third reading.

Engrossed bill from the House of Representatives, entitled an act for
the relief of Benjamin Magonisk, was read the third time and passed.

Engrossed bill from the House, to be entitled an act for the relief of
John M. Jackson, was read the third time and passed.

Engrossed bill from the House, to be entitled an act for the relief of
the Methodist Episcopal church, at Mountain Spring camp ground, in
Jackson county, was read the third time and passed.

A message was received from the House, inviting the Senate to repair
to the Hall of the House, for the purpose of going into the election of a
Judge of the Supreme Court. The Senate repaired forthwith to the
Hall of the House, and when seated, Mr. President announced the object
of the assembling of the two Houses.

Mr. Toulmin nominated the *Hon. Henry Goldthwaite*.

Mr. Moore of M. nominated the *Hon. C. C. Clay*.

Those who voted for *Mr. Clay*, are messrs. President, Arrington,
Bishop, Brindley, Foster, Marchbanks, McClanahan, McVay, Walker
of B. Walker of L. Watrous, Wilson and Yancey of the Senate; and
messrs. Aldridge, Alexander, Allen, Barker, Bryan, Caffey, Clancey,
Cobb, Douglass, Fletcher, Franks, Frazier, Griffin, Hancock, Harris,
Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Humphreys, Huntington,
Jackson of A. Jones of F. Lankford, Martin, McMillion of B. McMillion
of J. Meriwether, Moore of M. Morris, Owens, Reid, Rose, Sandidge,
Scruggs, Segar, Steele, Storrs, Sykes, Troup, Williams of J. and Win-
ston of the House—55.

Those who voted for *Mr. Goldthwaite*, are messrs. Burney, Creagh,
Dent, Dougherty, Fleming, Hudson, Kelly, King, McAlpin, Moores,
Oliver, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watkins and
Winston of the Senate; and messrs. Speaker, Alston, Anderson, Bald-
win, Banks, Parron, Bridges, Calloway, Campbell, Clarke, Clemens,
Cook, Davis of B. Davis of L. Dear, Drane, Dunn, Garrett, Hale, Hatcher,

Hubbard, Jackson of B. J. D. Johnson, R. T. Johnston, Lang, McAlpin, McCarthey, McGriff, McLemore, McLeod, Miree, Mitchell, Moore of B. Mudd, Nall, Norman, Oliver, Portis, Snowden, Spruill, Stringer, Tate, Taylor, Todd, Trawick, Turner, Walker, Webb, Whitsitt, Williams of H. and Witherspoon of the House—71.

Mr. Goldthwaite having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the Supreme Court for the constitutional term.

Message from his Excellency the Governor, by Mr. Garrett, Secretary of State:

Mr. President—His Excellency the Governor, has approved a bill of the following title, to wit:

An act to amend an act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church in the county of Dallas; which originated in the Senate.

Mr. Hudson offered the following resolution; which, according to the rule, laid over one day:

Resolved, That the rules of the Senate be amended, by adding the following:

“When reports from standing committees are called for, the committees shall be called for in alphabetical order.”

Mr. Winston offered the following resolution; which was adopted:

Resolved, That the committee on education be instructed to enquire into the propriety of passing a law authorizing the Governor to issue, or cause to be issued, State stock, bearing per cent. interest to the Trustees of the University, after a settlement of the debt due by that institution to the State Bank, for any balance which may be due to said University; and report by bill or otherwise.

The annual report of the Quarter master General was, on motion of Mr. Creagh, referred to the committee on military affairs, the vote of yesterday to print having been reconsidered.

Mr. Yancey offered the following resolution; which was amended by Mr. Dent, and the resolution and amendment adopted:

Resolved, That the committee on the Penitentiary be instructed to enquire and report to the Senate, at an early day, whether or not any letters have been received by the members of the General Assembly from convicts now confined in the Penitentiary, requesting members to vote for the re-election of the present Warden.

Mr. Dent offered the following amendment:

Resolved, further, also, That the Chairman of the committee be authorized to write immediately to the Warden to know whether or not such letters have been written.

Mr. Dougherty offered a substitute for the resolution; and, on motion of Mr. Winston, it was laid on the table.

Mr. Phillips offered the following resolution; which was adopted:

Resolved, That the committee on the State Bank enquire into the expediency of transferring the effects of the Branch Bank of Decatur to the Branch Bank at Huntsville, and the effects of the Branch Bank at Montgomery, to the Branch Bank at Mobile.

On motion of Mr. Dougherty, the Senate adjourned until ten o'clock, to-morrow morning.

SENATE CHAMBER, WEDNESDAY, Dec. 20, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Walker, from the judiciary committee, to whom was referred an engrossed bill from the House, to be entitled an act to require the Judge of the second judicial circuit to hold a special term of the circuit court of Wilcox county, reported the same as inexpedient, the law in force now being full and ample on the subject.

On motion of Mr. Phillips, the report and bill was laid on the table.

Mr. Walker, from the same committee, to which was referred a bill to be entitled an act to provide for the taking of the census of the State of Alabama, for the year eighteen hundred and forty-four, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Toulmin, from the State Bank committee, to whom was referred a resolution, directing them to inquire whether the State Bank and its Branches have been uniform in the payment of Teachers of common schools under the act appropriating two hundred thousand dollars in aid of valueless sixteenth sections; and whether, in any instance, Teachers have been paid too much or too little, reported that the committee conceived the inquiry unnecessary and inexpedient to legislate further on the subject.

On motion of Mr. Brindley, the report and bill was laid on the table.

Mr. Toulmin, from the same committee, to whom was referred a resolution requiring them to inquire into the expediency of so amending the existing laws, as to authorize the President and Directors, or a majority of them, to determine any question appertaining to business; and further to authorize them, in the renewal of paper, where curtailments are made to any additional or such other security, as they may deem sufficient and safe, reported

A bill to be entitled an act the better to define the duties of the President and Directors of the Bank of the State of Alabama and the several Branches thereof; which was read the first time, and ordered to a second reading.

Mr. Toulmin, from the same committee, to whom was referred a resolution requiring them to inquire into the expediency of amending the law now in force, requiring the names of all the old endorsers, so that notes can be renewed without reference to the old securities, reported that the bill has been reported to the Senate, embracing the object sought for by the mover of the resolution; and asked to be discharged from its further consideration; in which the Senate concurred.

Mr. Moores, from the select committee, to whom was referred a petition from certain citizens of Marengo county, reported joint resolutions rescinding a certain contract therein named; which were read the first time, and ordered to a second reading.

Mr. King introduced a bill, to be entitled an act regulating the manner of incorporating towns, villages, and academies; which was read the first time, and ordered to a second reading.

Mr. Ross, from the committee on enrolled bills, asked leave to withdraw the report made by him on yesterday in relation to an enrolled bill concerning the sixteenth section, range twenty-nine, in Russell county; which was granted.

Mr. Walker of L., from the committee on education, to whom was referred the petition of George Tillman, of Sumter county, asking the passage of a law authorizing the School Commissioners to rescind a certain contract therein specified, reported the same as inexpedient; in which report the Senate concurred.

Mr. Walker of L., introduced a bill to be entitled an act to compensate Robert Fenner, and Thomas B. Jones, for labor done and performed under Executive appointment, &c.; was read the first time, and ordered to a second reading.

Mr. Moores offered the following resolution; which was adopted:

Resolved, That the committee on propositions and grievances be instructed to report a bill repealing the law or laws, allowing compensation for slaves, who may hereafter be executed.

Mr. Walker of L., introduced a bill to compensate C. C. Clay, and J. Withers Clay, for certain services therein named; which was read the first time, and ordered to a second reading.

Mr. Hudson, from the select committee, to whom was referred a bill to be entitled an act to regulate the rate of interest, reported the same as inexpedient.

Which report and bill was under consideration when the Senate repaired to the Hall of the House for the purpose of electing three Inspectors for the Penitentiary, and an Attorney General for the State of Alabama.

Mr. President announced the object of the assembling of the two Houses.

The two houses proceeded first to the election of three Inspectors of the Penitentiary.

The names of *William S. Kyle, L. P. Saxon, S. Simmons, John Watson, B. W. Saxon, and D. Lyman Beecher*, being in nomination.

Those who voted for *Mr. Kyle*, are messrs. Arrington, Bishop, Burney, Creagh, Dougherty, Foster, Hardaway, McAlpin, Moores, Oliver, Phillips, Reese, Walker of B. Walker of L. Walthall, Ward, Watkins, Watrous and Wilson of the Senate; and messrs. Alexander, Alston, Anderson, Baldwin, Banks, Barker, Bridges, Bryan, Caffey, Calloway, Clancey, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Dunn, Fletcher, Franks, *Hale*, Hancock, Hatcher, Heflin, Hill of B. Hill of T. Holstein, Howard, Humphreys, Huntington, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Lankford, Martin, McAlpin, McGriff, McLeod, McLe-more, McMillion of J. Meriwether, Mitchell, Moore of mad. Morrisett, Mudd, Nall, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Stringer, Storrs, Sykes, Tate, Taylor, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspocn of the house—87.

Those who voted for *L. P. Saxon*, are messrs. President, Bishop, Brindley, Creagh, Dent, Fleming, Foster, Kelly, King, Marchbanks, McAlpin, McVay, Oliver, Reese, Ross, Toulmin, Walker of B. Walthall, Ward, Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Speaker, Aldridge, Allen, Banks, Barron, Bryan, Caffey, Calloway, Clarke, Cobb, Cook, Davis of B. Davis of L. Douglass, Evans, Fletcher, Griffin, Hale, Harris, Hendrix, Hill of B. Holstein, Hubbard, Jackson of A. Jones of F. Lang, Lankford, Martin, McCartney, McLemore, McMillion of B. Meriwether, Miree, Mitchell, Moore of B. Moore of mad. Mudd, Norman, Owens, Portis, Reid, Sandidge, Scruggs, Snowden, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon, of the house—83.

Those who voted for *Mr. Simmons*, are messrs. Creagh, Dent, Hardaway, Hudson, King, McClanahan, Moores, Oliver, Ross, Toulmin, Walker of L. Walthall, Ward and Winston of the Senate; and messrs. Speaker, Allen, Alston, Barron, Davis of L. Douglass, Drane, Frazier, Griffin, Hancock, Hatcher, Hill of T., R. T. Johnston, Moore of B. Nall, Oliver, Reid, Scruggs, Spruill, Trawick and Troup of the house—35.

Those who voted for *B. W. Saxon*, are messrs. President, Brindley, Dougherty, Fleming, Hudson, Marchbanks, McClanahan, McVay, Phillips and Yancey of the Senate; and messrs. Aldridge, Alexander, Alston, Anderson, Baldwin, Barker, Bridges, Campbell, Clancey, Clarke, Cobb, Cook, Dear, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Lang, Martin, McAlpin, McCartney, McGriff, McMillion of B. McMillion of J. Miree, Morris, Portis, Rose, Segar, Steele, Todd and Troup of the house—55.

Those who voted for *Mr. Watson*, are messrs. President, Arrington, Bishop, Burney, Fleming, Foster, Hudson, Kelly, Marchbanks, McClanahan, McVay, Ross, Toulmin, Watkins, Wilson and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Anderson, Banks, Bridges, Bryan, Caffey, Campbell, Clancey, Cook, Davis of B. Dunn, Evans, Franks, Garrett, Harris, Hefflin, Hendrix, Hale, Howard, Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., J. D. Johnson, Lang, Lankford, McGriff, McLemore, McLeod, McMillion of B. Moore of B. Morris, Morrisett, Norman, Reid, Rose, Sandidge, Steele, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Whitsitt, Williams of J. Winston and Witherspoon of the house—69.

Those who voted for *Mr. Beecher*, are messrs. President, Brindley, Burney, Dent, Dougherty, Foster, Kelly, King, McAlpin, Moores, Phillips, Reese, Walker of B. Walker of L. and Watrous of the Senate; and messrs. Speaker, Baldwin, Barker, Barron, Calloway, Campbell, Davis of L. Dear, Drane, Frazier, Garrett, Hale, Hatcher, Hendrix, Howard, Jackson of B., J. D. Johnson, R. T. Johnson, McAlpin, McCartney, McLeod, McMillion of J. Miree, Mitchell, Moore of mad. Morris, Morrisett, Mudd, Nall, Norman, Oliver, Owens, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Webb and Williams of H.—55.

Messrs. Kyle, Watson, and L. P. Saxon, having received a majority of all the votes given, *Mr. Speaker* declared them duly and elected Inspectors of the Penitentiary, for the time prescribed by law.

The two houses then proceeded to elect an Attorney General for the State of Alabama:

The names of *Benjamin F. Porter, William R. Smith, Robert T. Clyde*, — *Dufreese, Thomas D. Clarke, Henry Stith*, and *Joseph Phelan, Esqs.* being in nomination, and after ten ineffectual ballottings without an election, the Senate withdrew to their chamber.

Mr. President resumed his seat, and called the Senate to order.

On motion of *Mr. Wilson*, the Senate adjourned until to-morrow morning at ten o'clock.

THURSDAY, December 21st, 1843.

The Senate met pursuant to adjournment.

The Senate repaired to the hall of the house and the two houses proceeded to elect an Attorney General:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Oliver, Walker of B. Ward, and Yancey of the Senate; and messrs. Allen, Cobb, Drane, Dunn, Garrett, Hefflin, Hendrix, Hill of T. Holstein, Jackson of A. Martin, McLemore, Nall, and Storrs of the house of Representatives—21.

Those who voted for *Mr. Clyde*, are messrs. President, Foster, Moores, Ross, Toulmin and Winston of the Senate; and messrs. Barron, Bryan, Caffey, Clancey, Frazier, Huntington, Lang, Norman, Portis, Sandidge, and Todd of the house—17.

Those who voted for *Mr. Dufreese*, are messrs. Hudson, McClanahan, Phillips, Reese, Watrous, and Wilson of the senate; and messrs. Speaker, Aldridge, Campbell, Davis of B. Davis of L. Evans, Franks, Hill of B. Lankford, McAlpin, McCartney, Miree, Reid, Rose, Segar, Steele, Taylor and Williams of J.—24.

Those who voted for *Mr. Phelan*, are messrs. Fleming and McVay of the senate; and messrs. Alexander, Banks, Calloway, Dear, Douglass, Fletcher, Griffin, Hancock, Humphreys, McGriff, McLeod, McMillion of J. Moore of mad. Owens, Scruggs, Stringer, Sykes, Troup, Turner and Walker of the house—22.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent and Watkins of the senate; and messrs. Alston, Anderson, Baldwin, Howard, Jackson of B. Mitchell, Moore of B. Morrisett, Oliver, Snowden and Trawick of the house—14.

Those who voted for *Mr. Stith*, are messrs. Arrington, Hardaway, King, McAlpin and Walthall of the senate; and messrs. Hale, J. D. Johnson, R. T. Johnston, Spruill, Webb, Whitsitt, Williams of H. and Witherspoon of the house—13.

Those who voted for *Mr. Smith*, are messrs. Brindley, Kelly, Marchbanks and Walker of L. of the senate; and messrs. Barker, Bridges, Cook, Harris, Hatcher, Hubbard, Jones of F. McMillion of B. Meriwether, Morris, Mudd, Tate, and Winston of the house—13.

Neither having received a majority of the votes given, the two houses proceeded to ballot a second time. The same gentlemen being in nomination.

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Oliver, *Walker* of B. *Ward* and Yancey of the senate; and messrs. Allen, Baldwin, Bryan, Cobb, Dunn, Garrett, Hefflin, Hendrix, Hill of T. Holstein, Jackson of A. Martin, McLemore and Storrs of the house—21.

Those who voted for *Mr. Clyde*, are messrs. President, Foster, Ross and Toulmin of the senate; and messrs. Barron, Caffey, Clancey, Frazier, Huntington, Lang, Norman, Portis, Sandidge and Todd of the house—14.

Those who voted for *Mr. Dufreese*, are messrs. Hudson, Phillips, Reese, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B. Laukford, McAlpin, McCarty, Miree, Reid, Rose, Segar, Steele, Taylor, Troup, and Williams of J. of the house—25.

Those who voted for *Mr. Phelan*, are messrs. Fleming, McClanahan and McVay of the Senate; and messrs. Alexander, Banks, Dear, Douglass, Fletcher, Griffin, Humphreys, McGriff, McLeod, McMillion of J. Moore of M. Owens, Scruggs, Stringer, Sykes, Turner and Walker of the house—20.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent, Moores and Watkins of the Senate; and messrs. Alston, Anderson, Drane, Howard, Jackson of B. Mitchell, Moore of B. Morrisett, Nall, Oliver, Snowden and Trawick of the house—16.

Those who voted for *Mr. Stith*, are messrs. Arrington, Hardaway, King, McAlpin and Walthall of the senate; and messrs. Hale, J. D. Johnson, R. T. Johnston, Spruill, Webb, Whitsitt, Williams of H and Witherspoon—13.

Those who voted for *Mr. Smith*, are messrs. Brindley, Kelly, Marchbanks and Walker of L. of the senate; and messrs. Barker, Bridges, Calloway, Cook, Harris, Hatcher, Hubbard, Jones of F. McMillion of B. Meriwether, Morris, Mudd, Tate and Winston of the house—18.

Neither having received a majority of all the votes given, the two houses proceeded to vote again. The same gentlemen being in nomination.

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Fleming, Oliver, *Walker* of B. and Yancey of the senate; and messrs. Bryan, Cobb, Dunn, Garrett, Hefflin, Hendrix, Hill of T. Holstein, Jackson of A. Jones of F. and Martin of the house—18.

Those who voted for *Mr. Clyde*, are messrs. Foster, Ross, Toulmin and Winston of the senate; and messrs. Barron, Caffey, Clancey, Frazier, Lang, McLemore, Norman, Portis, Sandidge and Todd of the house—14.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Hudson, McClanahan, Moores, Phillips, Reese, *Ward*, Watrous and Wilson of the senate; and messrs. Speaker, Aldridge, Allen, Campbell, Davis of B.

Davis of L. Evans, Franks, Hancock, Hill of B. Lankford, McAlpin, McCartney, Miree, Reid, Rose, Scruggs, Segar, Steele, Tate, Taylor, Troup and Williams of J. of the house—23.

Those who voted for *Mr. Phelan*, are messrs. President, Hardaway, and McVay of the senate; and messrs. Alexander, Banks, Calloway, Dear, Douglass, Fletcher, Griffin Humphreys, McGriff, McLeod, McMillion of J. Moore of mad. Owens, Stringer, Turner and Walker of the house—19.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent and Watkins of the senate; and messrs. Alston, Anderson, Baldwin, Drane, Howard, Jackson of B. Mitchell, Moore of B. Morrisett, Nall, Oliver and Snowden of the house—15.

Those who voted for *Mr. Slith*, are messrs. King, McAlpin and Walthall of the senate; and messrs. Hale, Hatcher, J. D. Johnson, R. T. Johnson, Spruill, Webb, Whitsitt, Williams of H. and Witherspoon of the house—12.

Those who voted for *Mr. Smith*, are messrs. Brindley, Kelly, Marchbanks and Walker of L. of the senate; and messrs. Barker, Bridges, Cook, Harris, Hubbard, Huntington, McMillion of B. Meriwether, Morris, Mudd and Winston of the house—15.

Neither having received a majority of all the votes given, the two houses proceeded to vote again. The names of the same gentlemen being in nomination:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Birney, Dougherty, Foster, Oliver, Walker of B. and Yancey of the senate; and messrs. Bridges, Bryan, Cobb, Drane, Dunn, Garrett, Hale, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jones of F. Martin, Portis, Whitsitt and Winston of the house—24.

Those who voted for *Mr. Clyde*, are messrs. Winston of the senate, and messrs. Barron, Clancey, Frazier, Hefflin, Lang, McLemore, Norman, Sandidge, Sykes and Todd of the house—10.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Hudson, McClanahan, Phillips, Reese, Ward, Watrous and Wilson of the senate; and messrs. Speaker, Aldridge, Allen, Calloway, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B. Humphreys, Lankford, McAlpin, McCartney, Miree, Reid, Rose, Segar, Steele, Tate, Taylor, Troup and Williams of J.—31.

Those who voted for *Mr. Phelan*, are messrs. President, Fleming, McVay, Ross, Toulmin and Walker of L. of the senate; and messrs. Alexander, Franks, Dear, Douglass, Fletcher, Griffin, Humphreys, McGriff, McLeod, McMillion of B. McMillion of J. Moore of M. Owens, Scruggs, Stringer, Turner and Walker of the house—23.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent. Moores and Watkins of the senate; and messrs. Alston, Anderson, Baldwin, Howard, Jackson of B. Mitchell, Moore of B. Morrisett, Nall, Oliver, Snowden and Trawick of the House—16.

Those who voted for *Mr. Slith*, are messrs. Hardaway, King, McAlpin and Walthall of the senate; and messrs. J. D. Johnson, R. T. Johnston, Spruill, Webb, Williams of H. and Witherspoon of the house—10.

Those who voted for *Mr. Smith*, are messrs. Brindley, Kelly and Marchbanks of the senate; and messrs. Barker, Cook, *Harris*, *Hatcher*, *Huntington*, Meriwether and Mudd of the house—10.

Neither having received a majority of all the votes given, the two houses proceeded to vote a fifth time. The same gentlemen being in nomination.

Those who voted for *Mr. Clarke*, are Messrs. Bishop, Burney, Oliver, Walker of B. Winston and Yancey of the senate; and messrs. Baldwin, Bryan, Calloway, Cobb, Drane, Dunn, Garrett, *Hale*, *Hefflin*, Hendrix, Hill of T. Holstein, *Hubbard*, Jackson of A. Jones of F. Martin, Storrs, Whitsitt and Winston of the house—25.

Those who voted for *Mr. Clyde*, are messrs. Barron, Frazier, *Huntington*, Lang, McLemore, Norman, Sandridge, Sykes and Todd of the house—9.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, *Hudson*, Kelly, McClanahan, Phillips, Reese, Ward, Watrous and Wilson of the senate; and messrs. Speaker, Aldridge, Allen, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock. Hill of B. Lankford, McAlpin, McCarty, Miree, Reid, Rose, Steele, Tate, Taylor, Troup and Williams of J. of the house—30.

Those who voted for *Mr. Phelan*, are messrs. President, Fleming, McVay, Ross, Toulmin and Walker of L. of the senate; and messrs. Alexander, Binks, Clancey, Dear, Douglass, Fletcher, Griffin, Humphreys, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of M. Owens, Portis, Scruggs, Segar, Stringer, Turner and Walker of the house—27.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent, Dougherty, Hardaway, Moores and Watkins of the senate; and messrs. Alston, Anderson, *Howard*, Jackson of B. Mitchell, Moore of B. Morrisett, Mudd, Nall, Oliver, Snowden and Trawick of the house—18.

Those who voted for *Mr. Slith*, are messrs. King, McAlpin and Walthall of the senate; and messrs. J. D. Johnson, R. T. Johnston, Spruill, Webb, Williams of H. and Witherspoon of the house—9.

Those who voted for *Mr. Smith*, are messrs. Brindley and Marchbanks of the senate; and messrs. Barker, Bridges, Caffey, Cook, *Harris*, *Hatcher* and Morris of the house—9.

Neither having received a majority of all the votes given, the two houses proceeded to vote a sixth time.

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Foster, Hardaway, Oliver, Walker of B. and Yancey of the Senate; and messrs. Anderson, Baldwin, Bryan, Cobb, Drane, Dunn, Garrett, *Hale*, *Harris*, *Hefflin*, Hendrix, Hill of T. Holstein, *Hubbard*, Jackson of A. Jones of F. Martin, Storrs, Whitsitt and Winston of the house—28.

Those who voted for *Mr. Clyde*, are messrs. Barron, McLemore, Norman, Sykes and Todd of the house—5.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, *Hudson*, Kelly, McClanahan, McVay, Phillips, Reese, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Calloway, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill

of B. Lankford, McAlpin, McCartney, Miree, Reid, Rose, Segar, Steele, Tate, Taylor, Troup and Williams of J. of the House—34.

Those who voted for *Mr. Phelan*, are messrs. President, Brindley, Fleming, Marchbanks, Toulmin and Walker of L. of the senate; and messrs. Alexander, Banks, Caffey, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Humphreys, Jackson of B. McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Owens, Port s, Sandidge, Scruggs, Stringer, Turner and Walker of the house—31.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent and Watkins of the senate; and messrs. Alston, Howard, Moore of B. Morrisett, Mudd, Nall, Oliver, Snowden and Trawick of the house—12.

Those who voted for *Mr. Stith*, are Messrs. King, McAlpin, Moores, Ross and Winston of the senate; and messrs. J. D. Johnson, R. T. Johnston, Spruill, Webb, Williams of H. and Witherspoon of the house—11.

Those who voted for *Mr. Smith*, are messrs. Barker, Bridges, Cook, Hatcher, Huntington and Morris of the house—6.

Neither having received a majority of the votes given, the two houses proceeded to ballot a seventh time. The name of *Mr. Porter* having been withdrawn.

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Foster, Hardaway, Oliver, Walker of B. Ward, Winston and Yancey of the senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Cobb, Drane, Garrett, Hale, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Jackson of A. Jones of F. Martin, Morrisett, Nall, Oliver, Snowden, Storrs, Whitsitt, Winston and Witherspoon of the house—35.

Those who voted for *Mr. Clyde*, are messrs. Barron, R. T. Johnston, Lang, McLemore, Norman, Portis, Sykes and Todd of the house—8.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, Kelly, McClanahan, McVay, Phillips, Ross, Walthall, Watrous and Wilson of the senate; and messrs. Speaker, Aldridge, Allen, Calloway, Campbell, Davis of B. Evans, Franks, Hancock, Hill of B. Jackson of B., J. D. Johnson, Lankford, McAlpin, McCartney, Miree, Reid, Rose, Segar, Steele, Tate, Taylor, Trawick, Troup, and Williams of J. of the house—35.

Those who voted for *Mr. Phelan*, are messrs. President, Brindley, Dent, Fleming, Marchbanks, Moores, Toulmin, Walker of L. and Watkins of the senate; and messrs. Alexander, Banks, Caffey, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Humphreys, Huntington, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of B. Moore of M. Morris, Mudd, Owens, Sandidge, Scruggs, Stringer, Turner, and Walker of the house—36.

Those who voted for *Mr. Stith*, are messrs. King and McAlpin of the senate; and messrs. Spruill, Webb and Williams of H. of the house—5.

Those who voted for *Mr. Smith*, are messrs. Barker, Cook and Hatcher of the house—3.

Neither having received a majority of the votes given, the names of *Messrs. Stith* and *Clyde* having been withdrawn—the two houses proceeded to ballot the eighth time:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Foster, Hardaway, McAlpin, Oliver, Walker of B. Winston and Yancey of the senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Cobb, Drane, Dunn, Garrett, Hale, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Jackson of A. Lang, Martin, McLemore, Nall, Oliver, Portis, Snowden, Storrs, Todd, Troup, Webb, Whitsitt, Winston and Witherspoon of the house—42.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, Kelly, King, McClanahan, McVay, Phillips, Ross, Walthall Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Barron, Calloway, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, Miree, Reid, Rose, Spruill, Steele, Tate, Taylor, Trawick and Williams of J. of the house—39.

Those who voted for *Mr. Phelan*, are messrs. President, Brindley, Dent, Fleming, Marchbanks, Moores, Toulmin, Walker of L. and Watkins of the senate; and messrs. Banks, Caffey, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Humphreys, Jackson of B., R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of B. Moore of mad. Mudd, Owens, Sandidge, Scruggs, Stringer, Sykes, Turner, Walker and Williams of H. of the house—36.

Those who voted for *Mr. Smith*, are messrs. Barker, Cook, Hatcher, Huntington, Morris and Norman of the house—6.

Neither having received a majority of the votes given, the two houses proceeded to ballot the ninth time:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Foster, Hardaway, McAlpin, McClanahan, Oliver, Walker of B. Walker of L. Winston and Yancey of the senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Campbell, Cobb, Drane, Garrett, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jones of F. Lang, Martin, McLemore, Nall, Oliver, Snowden, Storrs, Todd, Webb, Whitsitt, Winston and Witherspoon of the house—41.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, Kelly, King, McVay, Moores, Phillips, Ross, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Barron, Caffey, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B. Jackson of B., J. D. Johnson, Lankford, McAlpin, McCartney, Miree, Reid, Rose, Segar, Spruill, Steele, Tate, Taylor, Trawick, Williams of H. and Williams of J. of the House—40.

Those who voted for *Mr. Phelan*, are messrs. President, Dent, Fleming, Marchbanks, Toulmin, and Watkins of the Senate; and messrs. Alexander, Banks, Calloway, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Howard, Humphreys, Huntington, R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of mad. Morris, Morrisett, Mudd, Owens, Portis, Sandidge, Scruggs, Stringer, Sykes, Troup, Turner and Walker of the House—39.

Those who voted for *Mr. Smith*, are messrs. Brindley of the senate;

and messrs Barker, Cook, Harris, Hatcher, and Norman of the house—6

Neither having received a majority of the votes given, the two houses proceeded to ballot a tenth time:

Those who voted for *Mr Clarke*, are messrs Bishop, Burney, Dougherty, Foster, Hardaway, McAlpin, Oliver, Walker of B. Walker of L. Winston and Yancey of the Senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Cobb, Drane, Dunn, Garrett, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A., Jackson of B. Jones of F. Martin, McLemore, Nall, Oliver, Portis, Snowden, Todd, Webb, Whitsitt, Winston and Witherspoon of the house—37.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, Kelly, King, McVay, Phillips, Ross, Walthall, Ward and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Barron, Caffey, Campbell, Davis of B. Davis of L. Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, McCartey, Miree, Reid, Rose, Segar, Spruill, Steele, Trawick and Williams of J. of the House—34.

Those who voted for *Mr Phelan*, are messrs President, Brindley, Dent, Fleming, Marchbanks, McClanahan, Moores, Toulmin, Watkins and Wilson of the senate; and messrs Alexander, Banks, Calloway, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Humphreys, Huntington, R. T. Johnston, Lang, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of mad. Morris, Mudd; Owens, Sandidge, Scruggs, Stringer, Sykes, Tate, Troup, Turner, Walker and Williams of the house—42.

Those who voted for *Mr Smith*, are messrs Barker, Cook, Harris and Norman of the house—4.

SENATE CHAMBER, THURSDAY, DECEMBER 21st, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson, presented the account of Thomas Harrison, for care of the Capitol; which was referred to the committee on accounts and claims.

Mr. Ross, from the committee on enrolled bills, asked leave to return a bill, which he reported as correctly enrolled on yesterday, and withdraw his report: and on his motion the bill was laid on the table.

Mr. Reese offered the following resolution, which was adopted:

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the law, dividing the state into three chancery divisions, in such a manner as to provide for the holding a term of said chancery court in the county of Randolph.

Mr. Hardaway, introduced a bill to be entitled an act to cancel the contract for a certain sixteenth section, therein named; which was read the first time, the constitutional rule suspended, and read the second time, the rule suspended, read the third time and passed.

The report of the select committee to whom was referred a bill, to regulate the rate of interest, being under consideration—the question on con-

curing in the report of the committee. The ayes and nays being demanded, there were yeas 13, nays 20; so the Senate refused to concur in the report of the committee.

Those who voted in the affirmative, are messrs. Arrington, Burney, Kelly, King, McAlpin, McClanahan, Oliver, Phillips, Reese, Walker of B. Watrous, Winston and Yancey.

Those who voted in the negative, are, messrs. President, Bishop, Brindley, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Marchbanks, McVay, Moores, Ross, Toulmin, Walker of L. Walthall, Ward, Watkins and Wilson.

A message from the House, inviting the Senate into the Hall of the House, for the purpose of proceeding to the election of an Attorney General.

The Senate proceeded forthwith to the Hall of the House, were seated, and the object of the meeting was announced by Mr. President.

The two Houses then proceeded to the election of an Attorney General—The names of *Messrs Clarke, Dufreese, Phelan and Smith*, being in nomination:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Foster, Hardaway, Oliver, Walker of B. Walker of L. Winston and Yancey of the Senate; and messrs. Anderson, Baldwin, Campbell, Clemens, Cobb, Davis of L. Drane, Dunn, Garrett, Griffin, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Lang, Martin, McLeMore, Moore of B. Nall, Oliver, Storis, Todd, Trawick, Troup, Webb, Whitsitt, Winston and Witherspoon of the House—41.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, King, McAlpin, McVay, Moores, Phillips, Reese, Ross, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Barron, Davis of B. Evans, Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, McCartey, Miree, Reid, Rose, Segar, Spruill, Steele, Taylor, Williams of H. and Williams of J. of the house—36.

Those who voted for *Mr Phelan*, are messrs President, Dent, Fleming, McClanahan, Toulmin and Watkins of the senate; and messrs. Alexander, Binks, Caffey, Dear, Douglass, Fletcher, Frazier, Harris, Hatcher, Howard, Humphreys, Huntington, R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of m. Mudd, Owens, Portis, Sandidge, Scruggs, Stringer, Turner and Walker of the house—34.

Those who voted for *Mr Smith*, are messrs Brindley, Kelly and Marchbanks of the senate; and messrs Barker, Bridges, Calloway, Cook, Jackson of B. Jones of F. Morris, Norman and Tate of the house—12.

Mr Alston of the House voted for *Mr Porter*.

Neither having received a majority of the votes given, the two houses proceeded to ballot a second time:

Those who voted for *Mr. Clarke*, are messrs Bishop, Burney, Dougherty, Foster, Hardaway, King, McAlpin, Oliver, Walker of B. Walker of L. Winston and Yancey of the Senate; and messrs. Anderson, Bald-

win, Clancey, Cobb, Davis of L. Drane, Dunn, Garrett, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jackson of B. Jones of F. Martin, McLemore, Moore of B. Moore of M. Nall, Oliver, Snowden, Storrs, Tate, Trawick, Troup, Webb, Whitsitt, Winston and Witherspoon of the House—44.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, Kelly, McClanahan, McVay, Moores, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watrous and Winston of the Senate; and messrs. Speaker, Aldridge, Allen, Barron, Campbell, Davis of B. Evans, Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, McCarty, Miree, Reid, Rose, Segar, Spruill, Steele, Taylor, Williams of H. and Williams of J. of the house—38.

Those who voted for *Mr. Phelan*, are messrs President, Brindley, Dent and Fleming of the senate; and messrs Alexander, Banks, Caffey, Calloway, Dear, Douglass, Fletcher, Frazier, Humphreys, R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Mudd, Owens, Portis, Sandidge, Scruggs, Todd, Turner and Walker of the House of Representatives—29.

Those who voted for *Mr. Smith*, are messrs Marchbanks and Watkins of the senate; and messrs Barker, Bridges, Cook, Griffin, Harris, Hatcher, Howard, Huntington, Morris, Morrisett and Norman of the house—14.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Foster, Hardaway, King, McAlpin, Oliver, Walker of B. Walker of L. Winston and Yancey of the Senate; and messrs. Anderson, Baldwin, Bridges, Campbell, Clemens, Cobb, Davis of L. Drane, Dunn, Garrett, Griffin, Hale, Hefflin, Hendrix, Hill of T. Holstein. Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F. Lang, Martin, McLemore, Moore of B. Moore of M. Nall, Oliver, Snowden, Storrs, Tate, Todd, Trawick, Troup, Webb, Whitsitt, Williams of H. Winston and Witherspoon of the House—51.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Brindley, Creagh, Hudson, Kelly, McClanahan, McVay, Moores, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Barron, Bugbee, Davis of B. Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, McCarty, Miree, Reid, Rose, Segar, Spruill, Steele and Williams of J. of the House.—36.

Those who voted for *Mr. Phelan*, are messrs President, Dent and Fleming of the senate; and messrs Alexander, Banks, Clancey, Dear, Douglass, Fletcher, Frazier, R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Mudd, Owens, Portis, Sandidge, Scruggs, Stringer, Sykes, Turner and Walker of the House—26.

Those who voted for *Mr. Smith*, are messrs Marchbanks and Watkins of the senate; and messrs Barker, Caffey, Calloway, Harris, Hatch-

er, Howard, Huntington, Morris, Morrisett, and Norman of the house—13.

Mr Alston voted for Mr *Porter*.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fourth time—the name of Mr *Phelan* having been withdrawn.

Those who voted for Mr. *Clarke*, are messrs. Bishop, Burney, Dougherty, Fleming, Foster, Hardaway, King, Oliver, Walker of B. Walker of L. Watkins, Winston and Yancey of the Senate; and messrs. Anderson, Baldwin, Bridges, Campbell, Clemens, Cobb, Dear, Drane, Dunn, Garrett, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F., R. T. Johnston, Lang, Martin, McGriff, McLemore, McMillion of B. Moore of B. Moore of M. Mudd, Nall, Oliver, Portis, Sandidge, Scruggs, Snowden, Stringer, Storrs, Tate, Todd, Trawick, Troup, Walker, Webb, Whitsitt, Williams of H. Winston and Witherspoon of the House—60.

Those who voted for Mr. *Dufreese*, are messrs. President, Arrington, Brindley, Creagh, Dent, Hudson, Kelly, McAlpin, McClanahan, McVay, Moores, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Barron, Bugbee, Calloway, Clancey, Davis of B. Evans, Fletcher, Franks, Frazier, Griffin, Hancock, Hill of B. J. D. Johnson, Lankford, McAlpin, McCarley, McMillion of J. Miree, Mitchell, Owens, Reid, Rose, Segar, Spruill, Steele, Taylor and Williams of J. of the House—50.

Those who voted for Mr *Smith*, are messrs *Marchbanks* of the senate; messrs Banks, Barker, Caffey, Cook, Harris, Hatcher, Howard, Huntington, McLeod, Meriwether, Morris, Morrisett, Norman, Sykes and Turner of the house—16.

Mr Alston voted for Mr *Porter*.

Mr Douglass voted for Mr *Phelan*.

Neither having received a majority of the votes given, and the name of Mr. *Smith* having been withdrawn, the two Houses proceeded to ballot a fifth time.

Those who voted for Mr. *Clarke*, are messrs. Bishop, Burney, Dougherty, Fleming, Foster, Hardaway, King, Walker of Benton, Walker of Lawrence, Watkins, Winston and Yancey, of the Senate; and messrs Anderson, Baldwin, Barker, Bridges, Caffey, Campbell, Clemens, Cobb, Cook, Davis of L., Dear, Drane, Dunn, Garrett, Griffin, Hale, Hefflin, Hendrix, Hill of T., Holstein, Hubbard, Humphreys, Jackson of A, Jackson of B, Jones of F, R. T. Johnston, Lang, Martin, McGriff, McLemore, McLeod, McMillion of B, Moore of B, Moore of M. Mudd, Nall, Oliver, Portis, Sandidge, Scruggs, Snowden, Stringer, Storrs, Sykes, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Winston and Witherspoon, of the house.

Those who voted for Mr. *Dufreese*, are messrs. President, Arrington, Brindley, Creagh, Dent, Hudson, Kelly, Marchbanks, McAlpin, McClanahan, McVay, Moores, Phillips, Reese, Ross, Toulmin, Walthall, Ward,

Watrous and Wilson, of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barron, Bugbee, Calloway, Clancey, Davis of B., Douglass, Evans, Fletcher, Franks, Frazier, Hancock, Harris, Hatcher, Hill of B., Howard, Huntington, J. D. Johnson, Lankford, McAlpin, McCarty, McMillion of J., Meriwether, Miree, Mitchell, Morris, Morrisett, Norman, Owens, Reid, Rose, Segar, Spruill, Steele, Tate, Taylor, Williams of H., Williams of J.—62.

Mr. Alston voted for *Mr Porter*.

Mr. Clarke having received a majority of the votes given, was declared by the Speaker duly and constitutionally elected for the term prescribed by the Constitution, Attorney General of the State of Alabama.

The Senate then withdrew to their chamber, and Mr. President resumed his chair, the subject under consideration being in progress.

Mr. President announced the special orders of the day.

The report of the committee on the withdrawal of the sixteenth section fund, which on motion of Mr. Hudson, was postponed until Friday next, and made the special order of the day at eleven o'clock.

An invitation was received from the House, to repair to the Hall of the House, for the purpose of electing a Solicitor of the second Judicial circuit.

The Senate repaired forthwith to the Hall of the House, and Mr. President announced the object of the assembling of the two Houses.

The names of *Franklin K. Beck*, and *Thomas J. Judge*, Esqs. being in nomination.

Those who voted for *Mr. Beck*, are messrs. President, Brindley, Creagh, Fleming, Hudson; Marchbanks, McClanahan, McVay, Ross, Toulmin, Winston and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barker, Bridges, Clancey, Cobb, Cook, Dear, Douglass, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., R. T. Johnston, Lang, Lankford, Martin, McCarty, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Morris, Norman, Portis, Reid, Sandidge, Steele, Stringer, Sykes, Tate, Todd, Troup, Turner, Walker, Webb, Whitsitt, Williams of J. Winston and Witherspoon of the house—72.

Those who voted for *Mr. Judge*, are Messrs. Arrington, Bishop, Burney, Dent, Dougherty, Foster, Hardaway, Kelly, King, McAlpin, Moores, Oliver, Phillips, Reese, Walker of B. Walthall, Ward, Watkins, Watrous and Wilson of the Senate; and messrs. Alston, Anderson, Baldwin, Barron, Bugbee, Caffey, Calloway, Campbell, Clarke, Davis of B. Davis of L. Drane, Dunn, Hale, Hatcher, Howard, Jackson of B. J. D. Johnson, McAlpin, McLemore, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Owens, Rose, Scruggs, Segar, Snowden, Spruill, Storrs, Taylor, Trawick, and Williams of H. of the House—56.

Mr. Beck, having received a majority of all the votes given, was, by Mr. Speaker, declared duly and constitutionally elected Solicitor of the second Judicial Circuit, for the term prescribed by the constitution

Mr. Creagh, offered the following amendment to the bill; to regulate the rate of interest:

Provided, That the provisions of this act shall not take effect or be enforced, until the first day of January, one thousand eight hundred and fifty.

The ayes and nays being demanded, there were ayes 13, nays 20.

The amendment was lost.

Those who voted in the affirmative, are messrs. Arrington, Burney, Creagh, Dougherty, Kelly, King, McAlpin, Oliver, Phillips, Reese, Walker of B. Watrous and Winston—13.

Those who voted in the negative, are messrs. President, Bishop, Brindley, Dent, Fleming, Foster, Hardaway, Hudson, Marchbanks, McClanahan, McVay, Moores, Ross, Toulmin, Walker of L. Walthall, Ward, Watkins, Wilson and Yancey—20.

Mr. Winston offered the following amendment:

Provided, That by agreement, ten per cent. may be allowed on money lent.

The yeas and nays being demanded, there were yeas 11, nays 22:

The amendment was lost.

Those who voted in the affirmative, are Messrs. Burney, Dougherty, Hardaway, Moores, Oliver, Phillips, Reese, Ross, Walker of B. Watkins, and Winston.

Those who voted in the negative, are Messrs. President, Arrington, Bishop, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Toulmin, Walker of L. Walthall, Ward, Watrous, Wilson and Yancey—18.

Mr. Phillips offered the following amendment; which was adopted:

Provided, That in all cases, where eight per cent. interest may be stipulated in any of the afore-said contracts, the same may be received.

The yeas and nays being demanded, there were yeas 19, nays 14:

Those who voted in the affirmative, are Messrs. Arrington, Burney, Creagh, Dougherty, Hardaway, Kelly, King, McAlpin, McClanahan, Moores, Oliver, Phillips, Reese, Ross, Walker of B. Watkins, Watrous, Winston and Yancey.

Those who voted in the negative, are Messrs. President, Bishop, Brindley, Dent, Fleming, Foster, Hudson, Marchbanks, McVay, Toulmin, Walker of L. Walthall, Ward, and Wilson.

Mr. Watrous offered the following amendment; which was adopted:

Provided further, That the provisions of this law shall in no manner, apply to the debts due to the State Bank, or any of its Branches.

Mr. Moores moved to reconsider the vote on the adoption of the resolution of Mr. Phillips, and moved that its reconsideration be postponed until to-morrow.

The Senate refused to postpone the reconsideration.

A motion to adjourn being made, the yeas and nays being demanded, there were yeas 15, nays 18:

The motion to adjourn was lost.

Those who voted in the affirmative, are Messrs. President, Bishop,

Brindley, Dent, Dougherty, Fleming, Foster, Hardaway, Marchbanks, McClanahan, Moores, Toulmin, Walthall, Watkins, and Wilson.

Those who voted in the negative, are Messrs. Arrington, Burney, Creagh, Hudson, Kelly, King, McAlpin, McVay, Oliver, Phillips, Reese, Ross, Walker of B. Walker of L. Ward, Winston, Watrous, and Yancey.

On motion of Mr. Walthall, the whole subject under consideration, was postponed until to-morrow at eleven o'clock, A. M.

Mr. Watrous introduced a bill to be entitled an act to repeal in part an act therein named; which was read the first time, and ordered to a second reading.

On motion of Mr. Yancey, the report of the Warden of the Penitentiary, was referred to the committee on the Penitentiary.

Mr. Walker of L. introduced a bill to be entitled an act requiring an execution docket of Bank cases to be prepared for the use of the Bank, was read the first time, and ordered to a second reading.

On motion of Mr. Walker of L., the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, FRIDAY, December 22d, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Moores presented the petition of citizens of Marengo county, asking for the incorporation of the town of Dayton; which was, on his motion, referred to a select committee—messrs. Moores, Reese, and Dougherty, were appointed said committee.

Mr. Fleming, from the committee on military affairs, offered the following report:

The committee on military affairs, to whom a resolution was referred to enquire into the expediency of the Governor's appointing an additional number of aids, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate on the subject.

The Governor having the power to appoint four, which is deemed sufficient, and beg to be discharged from the further consideration of the subject.

On motion of Mr. Yancey, the report and resolutions was laid on the table.

Mr. Walker, from the judiciary committee, to which was referred a bill to be entitled an act to repeal in part the present law relating to vice and immorality, reported that it would be inexpedient to pass the bill.

On motion of Mr. Brindley, the report and bill was laid on the table.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act to secure the performance of the official duties of Justices of the Peace, reported it inexpedient to pass the bill.

In which report the Senate concurred.

Mr Bishop offered the following resolution:

Resolved, That the committee on the State Bank and Branches, be instructed to enquire into the expediency of diminishing the number of officers of the different Branches, and also, whether it is not compatible with the public interest to dispense entirely with all the officers of the various Branches, and commit the management of those Branches to Commissioners, appointed for that purpose.

Which was adopted.

Mr. Brindley introduced a bill to be entitled an act in relation to battalion courts martial; which was read the first time and ordered to a second reading.

Mr. Wilson introduced a bill to entitled an act authorizing sales by administrators and executors in certain cases; which was read the first time and ordered to a second reading.

Mr. Dougherty introduced a bill to be entitled an act incorporating the town of Union Springs, in the county of Macon; which was read the first time and ordered to a second reading.

Mr. Touimin offered the following resolution; which was adopted:

Resolved, That the judiciary committee be instructed to enquire into the expediency of defining by law, whether the titles, which may be made to purchasers of the real estate belonging to the State Bank and its several Branches, shall be by warrantee or quit claim deeds; also by whom the said deeds shall be executed; and that the committee report by bill or otherwise.

Mr. Walker of L. introduced a bill to be entitled an act to explain more fully the discretionary powers of the President and Directors of the Bank of the State of Alabama and the several Branches thereof; which was read the first time and ordered to a second reading.

Mr. Winston introduced a bill to be entitled an act to regulate the issuance of executions on forthcoming bonds; which was read the first time and ordered to a second reading.

Mr. Hardaway presented the account of Bryant J. Mangham; which, on his motion, was referred to the committee on accounts and claims.

Mr. Foster introduced a bill to be entitled an act to repeal the twenty-fifth and thirty fifth sections of the laws of this State, under the head of General Assembly, in Clay's Digest; which was read the first time and ordered to a second reading.

A message from the House, by Mr. Clitherall, Assistant Clerk, received on yesterday, was taken up:

Mr. President—The House of Representatives concurs in the resolution of the Senate, proposing to assemble in the Hall of the House on Thursday, the twenty-first, to elect a Solicitor for the second judicial circuit.

The House concurs in the amendment made by the Senate to the bill to repeal in part a certain act therein named.

The House has also adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses

will adjourn *sine die*, on the fifteenth of January next, in which the concurrence of the Senate is requested.

The question being on concurring in the resolution of the House.

Mr. McClanahan moved to postpone its consideration until the fifteenth January.

The yeas and nays being demanded by Mr. Terry, Mr. Hudson being in the Chair, there were yeas 9, nays 23.

Those who voted in the affirmative, are Messrs. President, Brindley, Dent, Dougherty, Foster, Hardaway, McClanahan, McVay, and Walker of L.

Those who voted in the negative, are Messrs. Arrington, Bishop, Burney, Creagh, Fleming, Hudson, Kelly, King, Marchbanks, McAlpin, Moores, Oliver, Phillips, Ross, Toulmin, Walker of B. Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yancey.

The Senate refused to postpone.

A motion was then made to strike out the fifteenth January, and the yeas and nays being demanded, there were yeas 11, nays 20:

Those who voted in the affirmative, are Messrs. President, Bishop, Creagh, Dent, Dougherty, Foster, Hardaway, McClanahan, McVay, Ross, and Walker of L.—11.

Those who voted in the negative, are Messrs. Arrington, Brindley, Burney, Fleming, Hudson, Kelly, King, McAlpin, Moores, Oliver, Phillips, Toulmin, Walker of B. Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yancey—20.

The Senate refused to strike out.

Mr. ——— made a motion to lay the resolution on the table.

The yeas and nays being demanded, there were yeas 10, nays 21.

Those who voted in the affirmative, are Messrs. President, Brindley, Dougherty, Foster, Hardaway, McClanahan, McVay, Moores, Walker of L. and Watrous—10.

Those who voted in the negative, are Messrs. Arrington, Bishop, Burney, Creagh, Dent, Fleming, Hudson, Kelly, King, McAlpin, Oliver, Phillips, Ross, Toulmin, Walker of B. Walthall, Ward, Watkins, Wilson, Winston and Yancey—21.

The Senate refused to lay on the table.

Mr. Walker of L. then moved that the resolution be postponed until the eighth January next.

The yeas and nays being demanded, there were yeas 10, nays 23:

Those voting in the affirmative, are Messrs. President, Brindley, Burney, Dougherty, Foster, Hardaway, McClanahan, McVay, Toulmin, and Walker of L.—10.

Those who voted in the negative, are Messrs. Arrington, Bishop, Creagh, Dent, Fleming, Hudson, King, Marchbanks, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Walker of B. Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yancey—23.

So the Senate refused to postpone until the eighth January.

The question was then on the adoption of the resolution of the House called for by Mr. Walker of B., and the yeas and nays were demanded thereon:

Those who voted in the affirmative, are messrs. Arrington, Bishop, Burney, Creagh, Dent, Dougherty, Fleming, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, Oliver, Phillips, Reese, Ross, Toulmin, Walker of B. Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yaucey—26.

Those who voted in the negative, are messrs. President, Brindley, Foster, McClanahan, McVay, Moores, and Walker of L.—7.

So the resolution of the House was adopted.

A message from the House:

Mr. President—The following bills have passed the House of Representatives:

A bill to authorize the commissioners' court of Madison county, to borrow a sum of money:

Also, a bill to divorce Maria L. Davis from her husband James Davis, in which the concurrence of the Senate is respectfully asked.

The message from the House was then taken up.

A bill to be entitled an act to divorce Maria L. Davis from her husband James Davis, was read the first time and ordered to a second reading.

Engrossed bill from the House, to be entitled an act to authorize the commissioners' court of Madison county, to borrow a sum of money, was read the first time and ordered to a second reading.

A message from the House, inviting the Senate into the Hall of the House, for the purpose of going into the election of Judges of the third, eighth and ninth judicial circuits, and a Solicitor of the eighth judicial circuit.

The Senate forthwith repaired to the Hall of the House, were seated, and Mr. President announced the object of the meeting of the two Houses.

The two houses proceeded first to elect a Judge for the third judicial circuit,—messrs. *Walker K. Baylor, Sydenham Moore, John W. Womack, and William Cochran*, being in nomination.

Those who voted for *Mr. Baylor*, are messrs. President, Bishop, Brindle., Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, Reese, Ross, Toulmin, Walker of B. Watrous, Wilson and Yaucey of the Senate, and messrs. Aldridge, Allen, Banks, Bridges, Caffey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hendrix, Hill of B. Hill of T. Jackson of A. Lang, Lankford, Martin, McCarty, McLeod, McMillion of B. McMillion of J. Morris, Mudd, Owens, Portis, Reid, Rose, Steele, Storrs, Todd, Troup and Williams of J. of the House—51.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores and Ward of the Senate, and messrs. Clancey, Huntington, Jackson of B, J. D. Johnson, McAlpin, McGriff, McLemore, Meriwether, Mitchell, Oliver, Segar and Spruill of the House—15.

Those who voted for *Mr. Moore*, are messrs. Fleming, Hardaway and McVay of the Senate, and messrs. Alexander, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Dear, Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Hefflin, Holstein, Howard, Humphreys, R. T. Johnston, Moore of B. Moore of M. Morrisett, Sandidge, Scruggs,

Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the House—35.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Oliver, Phillips, Walker of L. Walthall, Watkins and Winston of the Senate, and messrs. Speaker, Alston, Bryan, Calloway, Campbell, Drane, Hale, Hatcher, Hubbard, Jones of F. Miree, Nall, Norman, Snowden, Stringer, Taylor, Trawick, Turner, Williams of H. and Bugbee of the House—30.

Neither having received a majority of the votes given, the two houses proceeded to ballot a second time.

Those who voted for *Mr. Baylor*, are messrs. President, Bishop, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, Reese, Ross, Toulmin, Walker of B. Watrous, Wilson and Yancey of the Senate, and messrs. Aldridge, Allen, Caffey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Jackson of A. Lang, Lankford, Martin, McCartey, McLeod, McMillion of B. McMillion of J. Morris, Mudd, Owens, Portis, Reid, Rose, Steele, Stringer, Storrs, Todd, Troup and Williams of J. of the house—50.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores and Walker of L. of the Senate, and messrs. Banks, Clancey, Huntington, Jackson of B, J. D. Johnson, McAlpin, Meriwether, Mitchell, Oliver, Segar and Spruill of the House—14.

Those who voted for *Mr. Moore*, are messrs. Fleming, Hardaway, and McVay of the Senate, and messrs. Alexander, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Holstein, Howard, R. T. Johnson, McLemore, Moore of B. Moore of M. Morrisett, Sandidge, Scruggs, Sykes, Tate, Walker, Webb, Whitsitt, Winston, and Witherspoon of the house, —33.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Oliver, Phillips, Walthall, Ward, Watkins, and Winston of the Senate, and messrs. Speaker, Alston, Bridges, Bugbee, Bryan, Calloway, Campbell, Dear, Drane, Hale, Hatcher, Hubbard, Humphreys, Jones of F. McGriff, Miree, Nall, Norman, Snowden, Taylor, Trawick, Turner, and Williams of H. of the house—33.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time.

Those who voted for *Mr. Baylor*, are messrs. President, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, Reese, Ross, Toulmin, Walker of B. Watrous, Wilson and Yancey of the Senate, and messrs. Aldridge, Allen, Bridges, Caffey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Humphreys, Huntington, Jackson of A. Lang, Lankford, Martin, McCartey, McLeod, McMillion of B. McMillion of J. Morris, Mudd, Owens, Portis, Reid, Rose, Segar, Steele, Storrs, Todd, Troup, Williams of H. and Williams of J. of the house—54.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores, Walker of L. and Ward of the senate; and messrs. Banks, Clancey, Jackson of

B, J. D. Johnson, Meriwether, Mitchell, Oliver and Spruill of the house—12.

Those who voted for *Mr. Moore*, are Messrs. Bishop, Fleming, Hardaway, and McVay of the senate; and messrs. Alexander, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Dear, Douglass, Dunn, Evans, Fletcher, Griffin, Holstein, Howard, R. T. Johnston, McAlpin, McLemore, Moore of B. Moore of M. Morrisett, Sandidge, Scruggs, Stringer, Sykes, Tate, Walker, Webb, Whitsitt, and Witherspoon of the house—35.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Oliver, Phillips, Walthall, Watkins and Winston of the senate; and messrs. Speaker, Alston, Bryan, Bugbee, Calloway, Campbell, Drane, Franks, Hale, Hatcher, Hubbard, Jones of F. McGriff, Miree, Nall, Norman, Snowden, Taylor, Trawick, Turner and Winston of the house—30.

Neither having received a majority of all the votes given, the two houses proceeded to vote a fourth time.

Those who voted for *Mr. Baylor*, are messrs. President, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, Reese, Ross, Toulmin, Walker of B. Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Allen, Bridges, Caffey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Jackson of A. Huntington, J. D. Johnson, Lang, Lankford, Martin, McCartey, McLeod, McMillion of B. McMillion of J. Morris, Mudd, Owens, Port s, Reid, Rose, Segar, Steele, Storrs, Todd, Troup, Williams of H. and Williams of J. of the House—54.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores, Walker of L. and Ward of the senate; and messrs. Banks, Clancey, R. T. Johnston, Meriwether, Mitchell and Spruill of the house—12.

Those who voted for *Mr. Moore*, are messrs. Bishop, Fleming, Hardaway and McVay of the senate; and messrs. Speaker, Alexander, Anderson, Baldwin, Banks, Barron, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Holstein, Howard, Humphreys, Jackson of B. R. T. Johnston, McAlpin, McLemore, Moore of M. Morrisett, Sandidge, Scruggs, Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the house—37.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Oliver, Phillips, Walthall and Winston of the senate; and messrs. Alston, Bugbee, Bryan, Calloway, Campbell, Dear, Drane, Hale, Hatcher, Hubbard, Jones of F. McGriff, Miree, Moore of B. Nall, Norman, Oliver, Snowden, Stringer, Taylor, Trawick and Turner of the house—30.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fifth time:

Those who voted for *Mr. Baylor*, are messrs President, Bishop, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Reese, Ross, Toulmin, Walker of B. Walker of L. Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Allen, Bridges, Caffey, Campbell, Cobb, Davis of B. Frazier, Garrett,

Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Huntington, Jackson of A. Lang, Lankford, Martin, McLeod, McMillion of B. McMillion of J. Moore of B. Morris, Mudd, Owens, Portis, Reid, Rose, Segar, Steele, Storrs, Todd, Troup, Williams of H. and Williams of J. of the house—57.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores, Walker of L. and Ward of the Senate; and messrs. Banks, Clancey, J. D. Johnson, McLemore, Meriwether, Mitchell and Spruill of the House—11.

Those who voted for *Mr. Moore*, are messrs. Fleming, Hardaway, and Oliver of the senate; and messrs. Speaker, Alexander, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Holstein, Howard, Jackson of B., R. T. Johnston, McAlpin, Moore of M. Morrisett, Oliver, Sandidge, Scruggs, Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the House—35.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Phillips, Walthall and Winston of the senate; and messrs. Alston, Bugbee, Bryan, Calloway, Dear, Drane, Hale, Hatcher, Hubbard, Jones of F. McGriff, Miree, Nall, Norman, Snowden, Stringer, Taylor, Trawick, and Turner of the house—26.

Neither having received a majority of the votes given, the two houses proceeded to vote a sixth time.

Those who voted for *Mr. Baylor*, are messrs. President, Bishop, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Reese, Ross, Toulmin, Walker of B. Walker of L. Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Allen, Bridges, Bugbee, Caffey, Campbell, Clancey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Hubbard, Huntington, Jackson of A. Lang, Lankford, Martin, McLeod, McMillion of B. McMillion of J. Moore of B. Morris, Mudd, Owens, Portis, Reid, Rose, Segar, Steele, Stringer, Storrs, Todd, Troup, Williams of H. and Williams of J. of the house—62.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores, and Ward of the senate; and messrs. Banks, J. D. Johnson, Meriwether, Mitchell and Spruill of the house—8.

Those who voted for *Mr. Moore*, are messrs. Fleming, Foster and Oliver of the senate; and messrs. Speaker, Alexander, Anderson, Baldwin, Barker, Barron, Bryan, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Hatcher, Holstein, Howard, Humphreys, Jackson of B., R. T. Johnston, McLemore, McAlpin, Moore of M. Morrisett, Oliver, Sandidge, Scruggs, Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the house—39.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Phillips, Walthall and Winston of the Senate; and messrs. Calloway, Dear, Drane, Hale, Jones of F. McGriff, Miree, Nall, Norman, Snowden, Taylor, Trawick and Turner of the house—20.

Neither having received a majority of the votes given, the two houses proceeded to ballot a seventh time. The names of *Messrs. Cochran* and *Womack* having been withdrawn:

Those who voted for *Mr. Baylor*, are messrs. President, Arrington, Bishop, Brindley, Creagh, Dent, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Reese, Ross, Toulmin, Walker of B. Walker of L. Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Allen, Banks, Bridges, Bugbee, Bryan, Caffey, Calloway, Campbell, Clancey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Hubbard, Huntington, Jackson of A. Lang, Lankford, Martin, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Morris, Mudd, Norman, Owens, Portis, Reid, Rose, Segar, Steele, Stringer, Storrs, Taylor, Todd, Troup, Turner, Williams of H. and Williams of J. of the house—71.

Those who voted for *Mr. Moore*, are messrs. Burney, Dougherty, Fleming, Hardaway, Oliver, McAlpin, Moores, Phillips, Walthall, Ward, and Winston of the Senate; and messrs. Speaker, Alexander, Alston, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Franks, Griffin, Hale, Hatcher, Holstein, Howard, Humphreys, Jackson of B., Jones of F., J. D. Johnson, R. T. Johnston, McAlpin, McGriff, McLemore, Miree, Mitchell, Moore of mad. Morrisett, Oliver, Sandidge, Scruggs, Snowden, Spruill, Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the house—57.

Mr. Baylor, having received a majority of all the votes given, (seventy-one,) *Mr. Speaker* declared him duly and constitutionally elected Judge of the Third Judicial Circuit for the term prescribed by the constitution.

The two houses then proceeded to the election of a Judge of the Eighth Judicial Circuit.

The names of *George Goldthwaite* and *Abraham Martin*, being in nomination.

Those who voted for *Mr. Goldthwaite*, are messrs. President, Arrington, Brindley, Creagh, Dent, Hardaway, Hudson, McClanahan, McVay, Oliver, Phillips, Toulmin, Walker of L. Watkins, and Winston of the Senate; and messrs. Speaker, Alston, Anderson, Baldwin, Barron, Bryan, Bugbee, Campbell, Clancey, Clemens, Davis of B. Davis of L. Dear, Drane, Dunn, Evans, Hale, Hendrix, Hill of B. Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., Lang, Lankford, Meriwether, Miree, Moore of B. Moore of mad. Mudd, Nall, Norman, Owens, Portis, Reid, Rose, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. and Witherspoon of the house—71.

Those who voted for *Mr. Martin*, are messrs. Bishop, Burney, Dougherty, Fleming, Foster, Kelly, King, Marchbanks, McAlpin, Moores, Ross, Walker of B. Walthall, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Banks, Barker, Bridges, Calloway, Clarke, Cobb, Cook, Douglass, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hatcher, Hefflin, Hill of T. Holstein, J. D. Johnson, R. T. Johnston, Martin, McAlpin, McLemore, McLeod, McMillion of B. McMillion of J. Mitchell, Morris, Oliver,

Sandidge, Scruggs, Segar, Williams of J. and Winston of the house—54.

Mr. Goldthwaite having received a majority of the votes given, was declared duly elected Judge of the Eighth Judicial Circuit.

The two Houses next proceeded to elect a Judge of the Ninth Judicial Circuit.

The names of *Sampson W. Harris, Green T. McAfee, B. L. Robinson, George D. Shortridge, John J. Steiner* and *G. W. Stone*, being in nomination.

Those who voted for *Mr. Harris*, are messrs. Creagh, Walker of L. Ward, Watkins, and Yancey of the Senate; and messrs Anderson, Bridges, Bryan, Caffey, Calloway, Clemens, Cook, Evans, Harris, Jackson of A. Jackson of B., Jones of F. McGriff, Rose, Steele, Stringer, Sykes, Tate, Walker and Williams of H. of the house—25.

Those who voted for *Mr. McAfee*, are messrs. Wilson of the Senate; and messrs. Cobb, Frazier, Garrett, Hendrix, Hill of T. and Scruggs, of the house—7.

Those who voted for *Mr. Robinson*, are messrs Arrington, Burney, Dent, Dougherty, Hardaway, McAlpin, Oliver, Phillips, Reese, and Watrous of the senate; and messrs Alston, Banks, Barker, Barron, Bugbee, Davis of B. Dear, Drane, Dunn, Hale, Hatcher, Howard, McAlpin, McLemore, Mitchell, Morrisett, Nall, Oliver, Segar, Snowden and Trawick of the house—31.

Those who voted for *Mr. Shortridge*, are messrs Pesident, Hudson, Kelly, King, Marchbanks, McClanahan, Ross, Toulmin, and Walker of B. of the senate; and messrs Speaker, Aldridge, Alexander, Clancey, Clarke, Douglass, Franks, Hancock, Hill of B. Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Morris, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Wither- spoon of the house—40.

Those who voted for *Mr. Steiner*, are messrs Foster of the senate; and messrs Allen, Davis of L. Hefflin, Holstein, Martin, McLeod, Norman and Reid of the house—9.

Those who voted for *Mr. Stone*, are messrs Bishop, Brindley, Fleming, McVay, Moores, Walthall and Winston of the senate; and messrs Baldwin, Campbell, Fletcher, Griffin, Hubbard, Lankford, Moore of mad. Mudd, Sandidge, Taylor and Winston of the house—18.

Neither having received a majority of the votes given, the two houses proceeded to a second ballot.

Those who voted for *Mr. Harris*, are messrs. Creagh, Walker of L. Ward, Watkins and Yancey of the senate; and messrs. Anderson, Bryan, Caffey, Calloway, Clemens, Cook, Evans, Harris, Jackson of A. Jackson of B. Jones of F. McGriff, Morrisett, Nall, Rose, Steele, Stringer, Tate, and Walker of the house—24.

Those who voted for *Mr. McAfee*, are messrs. Garrett, Hendrix, Hill of T. and Sykes of the house—4.

Those who voted for *Mr. Robinson*, are messrs, Bishop, Burney,

Dent, Dougherty, Hardaway, Moores, Oliver, Reese and Watrous of the senate; and messrs. Alston, Banks, Barker, Barron, Bugbee, Davis of B. Dear, Drane, Dunn, Hatcher, Howard, McAlpin, McLemore, Mitchell, Oliver, Scruggs, Segar, Snowden, Trawick, and Williams of H. of the house—29.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, and Walker of B. of the senate; and messrs. Speaker, Aldridge, Clancey, Clarke, Cobb, Douglass, Franks, Frazier, Hale, Hancock, Hill of B. Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lang, McMillion of J. Meriwether, Miree, Moore of B. Morris, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—42.

Those who voted for *Mr. Stone*, are messrs. Bishop, Burney, Fleming, McVay, Phillips, Walthall, Wilson and Winston of the senate; and messrs. Baldwin, Campbell, Fletcher, Griffin, Hubbard, Lankford, Mudd, Sandidge, Taylor and Winston of the house—18.

Those who voted for *Mr. Steiner*, are messrs. Foster of the senate; and messrs. Allen, Alston, Davis of L. Hefflin, Holstein, Martin, McLeod, and Norman, of the house—9.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time:

Those who voted for *Mr. Harris*, are messrs. Creagh, Dent, Dougherty, Hardaway, Oliver, Walker of L. Ward, Watkins and Yancey of the senate; and messrs. Alston, Bridges, Bryan, Calloway, Caffey, Clemens, Cook, Evans, Harris, Howard, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, McAlpin, McGriff, McLeod, Mitchell, Morrisett, Nall, Rose, Segar, Steele, Stringer, Tate, Trawick, Walker and Williams of H. of the house—37.

Those who voted for *Mr. McAfee*, are messrs. Garrett, Hendrix and Sykes of the house—3.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the senate; and messrs. Speaker, Aldridge, Alexander, Clancey, Clarke, Cobb, Davis of B. Douglass, Franks, Frazier, Hale, Hancock, Hill of B. Humphreys, Huntington, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—46.

Those who voted for *Mr. Steiner*, are messrs. Bishop, Foster, and Reese of the Senate; and messrs. Allen, Davis of L. Hefflin, Holstein, Martin, McLemore, Norman and Reid of the house—11.

Those who voted for *Mr. Stone*, are messrs. Arrington, Brindley, Burney, Fleming, McVay, Moores, Phillips, Walthall, Wilson and Winston of the senate; and messrs. Anderson, Baldwin, Bugbee, Campbell, Dear, Drane, Dunn, Fletcher, Griffin, Hatcher, Hill of T. Hubbard, Lankford, Moore of mad. Mudd, Oliver, Sandidge, Scruggs, Snowden, Taylor, and Winston of the house—32.

Neither having received a majority of the votes given, the names of messrs *McAfee* and *Steiner* being withdrawn, the two houses proceeded to ballot a fourth time:

Those who voted for *Mr Harris*, are messrs Creagh, Dent, Dougherty, Foster, Hardaway, Oliver, *Walker* of L. Ward, Watkins and Yancey of the Senate; and messrs. Alston, Bridges, Bryan, Caffey, Calloway, Clemens, Cook, Davis of L. Evans, Harris, Holstein, Howard, Jackson of A., Jackson of B. Jones of F. McAlpin, McGriff, McLeod, Mitchell, Morrisett, Rose, Segar, Steele, Stringer, Sykes, Tate, Trawick, Walker and Williams of H. of the house—39.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Moores, Ross, Toulmin, Walker of B. and Watrous of the Senate; and messrs. Speaker, Aldridge, Alexander, Barker, Clancey, Clarke, Cobb, Davis of B. Franks, Frazier, Garrett, Hale, Hancock, Hill of B., Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Norman, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—49.

Those who voted for *Mr Stone*, are messrs Arrington, Bishop, Brindley, Burney, Fleming, *McVay*, Phillips, Reese, Walthall, Wilson and Winston of the senate; and messrs Allen, Anderson, Baldwin, Banks, Barron, Bugbee, Campbell, Dear, Drane, Dunn, Fletcher, Griffin, Hatcher, Hefflin, Hendrix, Hill of T. Hubbard, Lankford, Martin, McLemore, Moore of mad. Mudd, Nall, Oliver, Reid, Sandidge, Scruggs, Snowden, Taylor and Turner of the House—41.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fifth time:

Those who voted for *Mr. Harris*, are messrs. Creagh, Dent, Dougherty, Foster, Hardaway, Moores, Walker of L. Ward, Watkins and Yancey of the senate; and messrs. Alston, Bridges, Bryan, Caffey, Calloway, Clemens, Cook, Davis of L. Evans, Harris, Howard, Jackson of A. Jackson of B. Jones of F. McAlpin, McGriff, McLeod, Mitchell, Morrisett, Nall, Rose, Segar, Steele, Stringer, Sykes, Tate, Trawick, Walker and Williams of H. of the house—39.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the senate; and messrs. Speaker, Aldridge, Barker, Clancey, Clarke, Cobb, Davis of B. Douglass, Franks, Frazier, Garrett, Hale, Hancock, Hill of B. Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Norman, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—48.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Brindley, Burney, Fleming, *McVay*, Phillips, Reese, Walthall, Wilson and Winston of the Senate; and messrs. Allen, Anderson, Baldwin, Banks, Barron, Bugbee, Campbell, Dear, Drane, Dunn, Fletcher, Griffin,

Hatcher, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Lankford, Martin, McLemore, Moore of mad. Mudd, Oliver, Reid, Sandidge, Scruggs, Snowden, Taylor, and Winston of the house—41.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a sixth time.

Those who voted for *Mr. Harris*, are messrs. Creagh, Dent, Dougherty, Foster, Hardaway, Oliver, Walker of L. Ward, Watkins and Yancey of the Senate; and messrs. Alston, Bridges, Bryan, Caffey, Calloway, Clemens, Cook, Evans, Howard, Jackson of A. Jackson of B. McAlpin, McGriff, McLeod, Mitchell, Rose, Segar, Steele, Stringer, Sykes, Tate, Walker, and Williams of H. of the house—33.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McClanahan, Ross, Toulmin and Watrous of the Senate; and messrs. Speaker, Aldridge, Alexander, Barker, Campbell, Clancey, Clarke, Cobb, Davis of B. Douglass, Franks, Frazier, Garrett, Hale, Hancock, Harris, Hill of B. Humphreys, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Norman, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the House—49.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Brindley, Burney, Fleming, McAlpin, McVay, Moores, Reese, Walthall, Wilson and Winston of the Senate; and messrs. Allen, Anderson, Baldwin, Banks, Barron, Bugbee, Davis of L., Dear, Drane, Dunn, Fletcher, Griffin, Hatcher, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Lankford, Martin, McLemore, Moore of mad. Morrisett, Mudd, Nall, Oliver, Reid, Sandidge, Scruggs, Snowden, Taylor, Trawick, and Winston of the house—45.

Neither having received a majority of the votes given, the two houses proceeded to ballot a seventh time.

Those who voted for *Mr. Harris*, are messrs. Creagh, Dent, Dougherty, Foster, Hardaway, Oliver, Walker of L. Ward, Watkins and Yancey of the senate; and messrs. Bridges, Bryan, Caffey, Calloway, Cobb, Cook, Evans, Howard, Jackson of A. Jackson of B. McAlpin, McGriff, McLeod, Mitchell, Rose, Steele, Stringer, Sykes, Tate, and Walker of the house—30.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the senate; and messrs. Speaker, Aldridge, Alexander, Barker, Clancey, Clarke, Clemens, Cobb, Davis of B. Douglass, Franks, Frazier, Garrett, Hale, Hancock, Harris, Hill of B. Humphreys, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Norman, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—49.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Brindley, Burney, Fleming, McAlpin, McVay, Moores, Reese, Walthall, Wilson and Winston of the senate; and messrs. Allen, Anderson,

Baldwin, Banks, Barron, Bugbee, Campbell, Dear, Drane, Dunn, Fletcher, Griffin, Hatcher, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Lankford, Martin, McLemore, Moore of mad. Morrisett, Mudd, Nall, Oliver, Reid, Sandidge, Scruggs, Segar, Snowden, Taylor, Trawick, Williams of H. and Winston of the house—47.

Neither having received a majority of the votes given, the two houses proceeded to ballot an eighth time—the name of *Mr. Harris* being withdrawn.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Brindley, Foster, Kelley, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the senate; and messrs. Speaker, Aldridge, Alexander, Alston, Barker, Bridges, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Douglass, Franks, Frazier, Garrett, Hale, Hancock, Harris, Hill of B. Humphreys, Huntington, Jackson of A. Jones of F. J. D. Johnson, R. T. Johnston, Lang, McAlpin, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Morris, Norman, Owens, Portis, Spruill, Steele, Storrs, Sykes, Todd, Trawick, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—62.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Burney, Dent, Dougherty, Fleming, Hardaway, McVay, Moores, Reese, Walthall, Watkins Wilson and Winston of the senate; and messrs. Allen, Anderson, Baldwin, Banks, Barron, Bugbee, Campbell, Davis of L. Dear, Drane, Dunn, Fletcher, Griffin, Hatcher, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Jackson of B. Lankford, Martin, McGriff, McLemore, McLeod, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Tate, Taylor, Walker, Williams of H. and Winston of the House—58.

Messrs Creagh, Oliver, Walker and Yancey of the senate; and messrs Bryan, Caffey and Calloway of the house, voted for *Mr. Harris*—7.

There being no election, the Senate withdrew to their chamber.

Mr. President resumed the chair, and on motion of Mr. — the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, Saturday, December 23, 1843.

The Senate met pursuant to adjournment.

Before the minutes of yesterday were read and approved, a message was received inviting the Senate into the hall of the house for the purpose of finishing the election of a Judge of the Ninth Judicial Circuit, and to elect a Solicitor for the Eighth Judicial Circuit.

The Senate forthwith repaired to the hall of the house, and proceeded in the joint ballot of both houses in the election of a Judge of the Ninth Judicial Circuit.

On the first ballot *Mr. Shortridge* received in joint vote 52.

Those who voted for *Mr. Shortridge*, are messrs. President, Brindley, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the Senate; and messrs. Speaker, Aldridge, Alexander, Barker, Clancey, Clarke, Clemens, Cobb, Cook,

Davis of B. Douglass, Franks, Hale, Harris, Hill of B. Humphreys, Huntington, Jackson of A. J. D. Johnson, R. T. Johnston, Lang, McAlpin, McCartney, McMillion of B. McMillion of J. Miree, Moore of B. Morris, Norman, Owens, Portis, Spruill, Steele, Storrs, Todd, Troup, Turner, Webb, Whitsitt and Williams of J. of the House.

On the first ballot *Mr. Stone* received in joint vote 50.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Burney, Dent, Dougherty, Fleming, Hardaway, McVay, Phillips, Reese, Watkins and Wilson of the senate; and messrs. Allen, Baldwin, Banks, Bugbee, Campbell, Dear, Drane, Dunn, Evans, Fletcher, Griffin, Hefflin, Hill of T. Holstein, Howard, Hubbard, Jackson of B. Lankford, Martin, McLemore, McLeod, Mitchell, Moore of mad. Mudd, Nall, Oliver, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Tate, Taylor, Trawick, Williams of H. and Winston of the house.

On the first ballot, *Mr. Harris* received in joint vote 9.

Those who voted for *Mr. Harris*, are messrs. Creagh, Ward, and Yancey of the senate; and messrs. Bryan, Caffey, Calloway, Jones of F. McGriff and Walker of the House.

There being no election, the two houses proceeded to a second ballot.

Those who voted for *Mr. Shortridge*, are messrs. President, Brindley, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the Senate; and messrs. Speaker, Aldridge, Alexander, Barker, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Davis of L. Douglass, Franks, Hale, Harris, Hill of B., Humphreys, Huntington, Jackson of A., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McMillion of B. McMillion of J. Miree, Moore of B. Morris, Norman, Owens, Portis, Spruill, Steele, Storrs, Todd, Troup, Turner, Webb, Whitsitt and Williams of J. of the house—52.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Burney, Dent, Dougherty, Fleming, Hardaway, McVay, Phillips, Reese, Ward, Watkins and Wilson of the Senate, and messrs. Allen, Baldwin, Banks, Bryan, Bugbee, Campbell, Dear, Drane, Dunn, Evans, Fletcher, Griffin, Hefflin, Hill of T. Holstein, Howard, Hubbard, Jackson of B. Lankford, Martin, McCartney, McGriff, McLemore, McLeod, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Tate, Taylor, Trawick, Walker, Williams of H. and Winston of the House—56.

Those who voted for *Mr. Harris*, are messrs. Creagh and Oliver of the senate; and messrs. Caffey and Calloway of the house—4.

There being no election, the two houses proceeded the third time to ballot.

Those who voted for *Mr. Shortridge*, are messrs. President, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the senate; and messrs. Speaker, Aldridge, Alexander, Barker, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B., Davis of L., Douglass, Franks, Garrett, Hale, Harris, Hill of B., Humphreys, Huntington, Jackson of A., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McCartney, McMillion of B. McMillion of J. Miree, Morris, Norman, Owens, Portis, Spruill,

Steele, Storrs, Todd, Troup, Turner, Webb, Whitsitt and Williams of J. of the house—56.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Burney, Dent, Dougherty, Fleming, Hardaway, McVay, Oliver, Phillips, Reese, Ward, Watkins and Winston of the senate; and messrs. Allen, Anderson, Baldwin, Banks, Bryan, Bugbee, Calloway, Campbell, Dear, Drane, Dunn, Evans, Fletcher, Griffin, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Jackson of B. Lankford, Martin, McLe-more, McLeod, Mitchell, Moore of mad. Morrisett, Mudd, Nall, Oliver, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Tate, Taylor, Trawick, Walker, Williams of H. and Winston of the house—58.

Mr. Stone having received a majority of all the votes given, mr. Speaker declared him duly and constitutionally elected Judge of the Ninth Judicial Circuit, for the term prescribed by the constitution.

The two Houses then proceeded to elect a Solicitor for the Eighth Judicial Circuit:

The names of *Marion A. Baldwin, George D. Ball, S. C. Dailey, Rush Elmore, E. Heydensfelt, Lewis Kennedy, W. C. Ligon* and *James M. Wiley*, being in nomination:

Those who voted for *Mr. Baldwin*, are messrs. President, Fleming, Foster, Hudson, Marchbanks, McClanahan, Toulmin and Wilson of the senate; and messrs. Alexander, Allen, Banks, Campbell, Clemens, Davis of L. Fletcher, Franks, Hancock, Jones of F. Lang, Lankford, McLeod, McMillion of B. McMillion of J. Moore of B. Norman, Oliver, Owens, Reid, Sandidge, Stringer, Sykes, Todd, Troup, Turner and Walker of the house—35.

Those who voted for *Mr. Ball*, are messrs. King, McAlpin and Ross of the senate; and messrs. Baldwin, Bugbee, Caffey, Hale, Humphreys, and Portis of the house—9.

Those who voted for *Mr. Dailey*, are messrs. Oliver of the senate; and Bryan of the house—2.

Those who voted for *Mr. Elmore*, are messrs. Bishop, and Yancey of the senate; and messrs. Garrett, Hefflin, Hill of B. Hill of T. Holstein, Hubbard, Martin, McCartney, Rose, Steele and Webb of the house—13.

Those who voted for *Mr. Heydensfelt*, are messrs. Burney, Dent, Reese and Watkins of the senate; and messrs. Anderson, Clarke, Drane, Dunn, Huntington, McLe-more, Nall, Scruggs, Segar and Tate of the house—14.

Those who voted for *Mr. Kennedy*, are messrs. Kelly, McVay and Watrous of the senate, and messrs. Barker, Cobb, Davis of B. Douglass, Jackson of A., J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Moore of mad. Mudd, Storrs and Williams of J. of the house—16.

Those who voted for *Mr. Ligon*, are messrs. Brindley, Walker of L. and Ward of the senate; and messrs. Speaker, Aldridge, Calloway, Clancy, Cook, Dear, Griffin, Hendrix, McGriff, Miree, Snowden, Spruill, Taylor, Trawick, Whitsitt and Williams of H. of the house—19.

Those who voted for *Mr Wiley*, are messrs Arrington, Creagh, Dougherty, Hardaway, and Phillips of the senate; and messrs Alston, Evans, Howard, Jackson of B. and Morrisett of the house—10.

The two houses proceeded to a second ballot—the name of *Mr Wiley* being withdrawn.

Those who voted for *Mr. Baldwin*, are messrs. President, Fleming, Foster, Hudson, Marchbanks, McClanahan, Toulmin and Wilson of the Senate; and messrs. Alexander, Allen, Banks, Clemens, Davis of L. Douglass, Evans, Fletcher, Franks, Hancock, Howard, Jones of F. Lang, Lankford, McAlpin, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Norman, Oliver, Owens, Reid, Sandidge, Stringer, Sykes, Todd, Troup, Turner, Walker, Whitsitt, and Williams of J. of the House—41.

Those who voted for *Mr. Ball*, are messrs. Creagh, King, McAlpin and Ross of the Senate; and messrs. Anderson, Baldwin, Bugbee, Campbell, Dunn, Hale, Humphreys, Martin, McCartney, Rose, Steele, and Webb of the House—16.

Those who voted for *Mr Elmore*, are messrs Bishop and Yancey of the senate; and messrs Bryan, Caffey, Garrett, Heffin, Hill of B. Hill of T. Holstein, Hubbard, Jackson of A. Martin, McCartney, Rose, Steele and Webb of the house—16.

Those who voted for *Mr Heydenfelt*, are messrs Arrington, Burney, Dent, Dougherty, Hardaway, Oliver, Reese, and Watkins of the senate; and messrs Alston, Clancey, Drane, McLemore, Nall, Scruggs, Segar, and Tate of the house—16.

Those who voted for *Mr Kennedy*, are messrs Kelly, McVay, and Watrous of the senate; and messrs Barker, Cobb, Davis of B., J. D. Johnson, R. T. Johnston, Mitchell, Moore of mad. Mudd and Starrs of the house—12.

Those who voted for *Mr Ligon*, are messrs Brindley, Walker of L. and Ward of the senate; and messrs Speaker, Aldridge, Calloway, Clancey, Cook, Dear, Griffin, Hendrix, Jackson of B. McGriff, Miree, Snowden, Spruill, Taylor, Trawick and Williams of H. of the house—19.

The two Houses then proceeded to ballot a third time.

Those who voted for *Mr. Baldwin*, are messrs. President, Dent, Fleming, Foster, Hudson, Kelly, Marchbanks, McClanahan, Toulmin, and Wilson, of the Senate; and messrs. Alexander, Allen, Banks, Caffey, Clancey, Clemens, Cobb, Davis of L. Douglass, Evans, Fletcher, Franks, Hancock, Howard, Jones of F. Lang, Lankford, McAlpin, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of mad. Norman, Oliver, Owens, Portis, Reid, Sandidge, Segar, Stringer, Sykes, Todd, Troup, Turner, Walker, Whitsitt and Williams of J. of the house—49.

Those who voted for *Mr. Ball*, are messrs. Creagh, King, McAlpin, Oliver and Ross of the Senate; and messrs Anderson, Baldwin, Bugbee, Dunn, Hale and Humphreys of the house—11.

Those who voted for *Mr Elmore*, are messrs Bishop and Yancey of the senate, and messrs Bryan, Garrett, Hill of B. Hill of T., Holstein, Hubbard, Jackson of A. Martin, McCartney, Rose, Steele, and Webb of the house—14.

Those who voted for *Mr Heydenfelt*, are messrs Arrington, Burney, Dougherty, Hardaway, Phillips, and Reese of the senate; and messrs Alston, Clarke, McLemore, Mudd, Nall, Scruggs and Tate of the house—13.

Those who voted for *Mr Kennedy*, are messrs McVay and Watrous of the senate; and messrs Barker, Mitchell and Storrs of the house—5.

Those who voted for *Mr. Ligon*, are messrs Brindley, Walker of L. Ward and Watrous of the senate; and messrs Speaker, Aldridge, Calloway, Campbell, Cook, Davis of B. Dear, Drane, Griffin, Hefflin, Hendrix, Jackson of B. McGriff, Miree, Snowden, Spruill, Taylor, Trawick and Williams of H. of the house—23.

There being no election, and the name of *Mr Kennedy* being withdrawn—the two houses proceeded to ballot a fourth time.

Those who voted for *Mr. Baldwin*, are messrs. President, Brindley, Dent, Fleming, Foster, Hudson, Kelly, Marchbanks, McClanahan, Toulmin and Wilson of the Senate; and messrs. Alexander, Allen, Banks, Caffey, Clemens, Cobb, Davis of L. Douglass, Evans, Fletcher, Franks, Hancock, Howard, Huntington, Jones of F. Lang. Lankford, McAlpin, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of M. Norman, Oliver, Owens, Portis, Reid, Sandidge, Segar, Stringer, Sykes, Todd, Troup, Turner, Walker and Whitsitt, of the House—49.

Those who voted for *Mr. Ball*, are messrs Creagh, King, McAlpin, Oliver, Ross and Walker of B. of the senate; and messrs Anderson, Bugbee, Dahn, Hale, Humphreys, Mudd, and Scruggs of the House—13.

Those who voted for *Mr. Elmore*, are messrs Bishop and Yancey of the Senate; and messrs. Bryan, Clarke, Garrett, Hill of B. Hill of T. Holstein, Hubbard, Jackson of A. Martin, McCartney, Rose, Steele and Webb of the house—15.

Those who voted for *Mr. Heydenfelt*, are messrs Burney, Dougherty, Hardaway, Reese and Watrous of the senate; and messrs Alston, Barker, Davis of B. McLemore, Mitchell, Nall, Storrs and Tate of the House—13.

Those who voted for *Mr. Ligon*, are messrs Arrington, McVay, Walker of L. Ward, Watkins and Winston of the senate; and messrs Speaker, Aldridge, Calloway, Campbell, Cook, Dear, Drane, Griffin, Hefflin, Hendrix, Jackson of B., R. T. Johnston, McGriff, Miree, Snowden, Spruill, Taylor, Trawick, Williams of H. and Williams of J. of the house—30.

There yet being no election, the two houses proceeded to ballot a fifth time. The names of messrs *Elmore* and *Heydenfelt* being withdrawn.

Those who voted for *Mr. Baldwin*, are messrs. President, Brindley, Dent, Fleming, Foster, Hardaway, Hudson, Kelly, Marchbanks, McClanahan, Reese, Toulmin, and Wilson of the Senate; and messrs. Alexander, Allen, Banks, Bryan, Caffey, Clancey, Clemens, Cobb, Douglass, Evans, Fletcher, Franks, Garrett, Hancock, Hefflin, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Jones of F. Lang, Lankford, Martin, McAlpin, McCarty, McLemore, McLeod, McMillan of B. Meriwether, Moore of B. Moore of M. Norman, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Stringer, Sykes, Tate, Todd, Troup, Turner, Walker, Webb, Whitsitt, and Williams of J. of the house—65.

Those who voted for *Mr. Ball*, are messrs. Creagh, King, McAlpin, Moores, Oliver, Phillips, Ross, Walker of B. and Watrous of the senate; and messrs. Alston, Anderson, Baldwin, Bugbee, Davis of B. Davis of L. Dunn, Hale, Humphreys, Mitchell, Scruggs, Steele, and Storrs, of the House—22.

Those who voted for *Mr. Ligon*, are messrs Arrington, Bishop, Burney, Dougherty, McVay, Walker of L. Ward, Watrous and Winston of the senate; and messrs Speaker, Aldridge, Barker, Calloway, Campbell, Clarke, Cook, Dear, Drane, Griffin, Hendrix, Jackson of B., R. T. Johnston, Spruill, Taylor, Trawick, and Williams of H. of the house—32.

Mr. Baldwin having received a majority of all the votes given, Mr. Speaker, declared him duly and constitutionally elected Solicitor of the Eighth Judicial Circuit, for the term prescribed by the constitution.

Mr. Hudson presented the accounts of C. E. B. Strode; which, on his motion, was referred to the committee on accounts and claims.

Mr. Yancey presented the petition of Martha M. Griffin, of Coosa county; which was referred to the committee on the judiciary.

Mr. McVay, from the committee on propositions and grievances, to whom was referred a resolution instructing them to report a bill repealing the law allowing compensation for slaves who may hereafter be executed, reported that the law ought not to be repealed, and asked to be discharged from the further consideration of the subject; which report was laid on the table.

Mr. Yancey, from the committee on the Penitentiary, to whom was referred the resolution to inquire into the expediency of authorizing the wardens of the Penitentiary to send a sufficient guard for convicts who may hereafter be sentenced to hard labor in that institution, reported it inexpedient to legislate on the subject; in which report the Senate concurred.

Mr. Moores, from the select committee, to whom was referred the petition of certain citizens of Marengo county, praying the incorporation of the town of Dayton, in said county, reported

A bill to be entitled an act incorporating the town of Dayton, in Marengo county; which was read the first time, and ordered to a second reading.

Mr. Walker of L. from the committee on retrenchment, to whom

was referred joint resolutions declaring the Cashier of the State Bank to be the Treasurer of the State, and providing for his election annually by joint vote of both houses, reported that the change contemplated in the joint resolutions, is inexpedient and ought not to be made.

The report and joint resolutions were laid on the table.

The bill authorizing the withdrawal of the sixteenth section fund now held by the State Bank and the several Branches, being the special order of the day, was, on motion of Mr. Terry, postponed until Thursday next, at twelve o'clock.

A bill to be entitled an act to regulate the rate of interest, being in order the special order of the day, was then taken up.

A motion being made to reconsider the vote on the amendment of Mr. Phillips,

Mr. Winston demanded the yeas and nays—yeas 14, nays 17.

Those who voted in the affirmative, are messrs. President, Bishop, Brindley, Dent, Fleming, Foster, Hudson, Kelly, Marchbanks, McVay, Moores, Toulmin, Walker of L. and Wilson.

Those who voted in the negative, are messrs. Arrington, Burney, Creagh, Dougherty, Hardaway, McAlpin, McClanahan, Oliver, Phillips, Reese, Ross, Walker of B. Ward, Watkins, Watrous, Winston and Yancey.

The Senate refused to reconsider the vote.

Mr. Watrous moved to strike out "six" and insert "seven" per cent. which motion was lost.

The question being on ordering the bill to be engrossed for a third reading,

Mr. Winston demanded the yeas and nays—yeas 15, nays 16.

Those who voted in the affirmative, are messrs. President, Bishop, Brindley, Creagh, Dougherty, Fleming, Hudson, Marchbanks, McVay, Moores, Ross, Toulmin, Walker of L. Watkins and Wilson.

Those who voted in the negative, are messrs. Arrington, Burney, Dent, Foster, Hardaway, Kelly, McAlpin, McClanahan, Oliver, Phillips, Reese, Walker of B. Ward, Watrous, Winston and Yancey.

The Senate refused to order the bill to be engrossed.

Mr. Ross, from the committee on enrolled bills, made the following report:

The committee on enrolled bills have examined and find correctly enrolled bills of the following titles:

An act for the relief of the Methodist Episcopal Church at Mountain Spring Camp Ground, in the county of Jackson:

An act for the relief of Benjamin Magonisk:

An act for the relief of John M. Jackson:

An act to compensate the commissioners of roads and revenue, in Russell county:

An act to compensate tales jurors in the county of St. Clair:

An act to authorize the levy of a special tax to build a court house in the county of St. Clair:

An act to repeal in part a certain act therein named, and for other purposes:

An act explanatory of an act entitled an act to regulate the State Bank of Alabama, and for other purposes, approved the fourteenth February, eighteen hundred and forty-three:

An act to cancel the contract of sale of a certain sixteenth section, in Russell county.

Mr. Dent offered the following resolution, which was adopted:

Resolved, That the committee on the State Bank be instructed to inquire into the matters relating to suits being instituted by the Governor against the President and Directors of the Bank of the State of Alabama, and that the President and Directors be permitted to appear before the committee in their defence.

Mr. Terry offered the following resolution, which was adopted:

Resolved by the Senate, That a select committee be appointed, whose duty it shall be to report to the Senate, at the earliest practicable day, whether or not it will be inexpedient, consistently with the public interest, to reduce the tax levied at the last session of the General Assembly, down to the expenses of the State Government economically administered; *Provided*, upon investigation of the subject, it should be found to exceed the annual wants of the same, with leave to report by bill or otherwise.

Messrs. Hudson, Walker of L. and McAlpin were appointed that committee.

Mr. Dougherty introduced a bill for the relief of Narcissa Harris, which was read the first time, and ordered to a second reading.

Mr. Winston introduced a bill to be entitled an act to make a further distribution of Clay's Digest; read the first time and ordered to a second reading.

A message from the House of Representatives:

The House has passed the accompanying bill from the Senate:

An act to cancel the sale of a certain sixteenth section, range twenty-nine, in Russell county.

A message from the House:

Mr. President—The House of Representatives have passed joint resolutions of the General Assembly, in relation to the real and personal property belonging to the State Bank and its Branches, which originated in the Senate.

Mr. Hudson in the chair, announced the orders of the day:

A bill to be entitled an act to provide for the appointment of a Deputy Warden of the Penitentiary, was read the second time and referred to the committee on the Penitentiary.

The engrossed bill to be entitled an act for the relief of Dr. Thomas Moody, was read the third time, and the Senate refused to pass the bill.

Engrossed bill to be entitled an act in relation to costs of prosecutions in criminal cases, in the county of Mobile, was read the third time and passed.

A bill to be entitled an act to provide for taking the census of the State of Alabama, for the year eighteen hundred and forty-four, was read the second time, and ordered to a third reading.

The resolution offered by Mr. Hudson, to amend the rules of the Senate, was read and referred to the committee on the rules of the Senate.

A bill to be entitled an act the better to define the duties of President and Directors of the Bank of the State of Alabama, and the several Branches thereof, was read a second time and ordered to be engrossed.

Joint resolutions rescinding a certain contract therein named, was read a second time and ordered to be engrossed.

Mr. Ross, from the committee on enrolled bills, reported that the committee on enrolled bills have examined and find correctly enrolled:

Joint resolutions of the General Assembly of the State of Alabama, in relation to the real and personal property belonging to the State Bank and Branches.

On a motion made to adjourn, the yeas and nays were demanded, and there were, yeas 7, nays 23.

The Senate refused at that time to adjourn.

Those who voted in the affirmative, are messrs. Dent, Foster, Moores, Phillips, Reese, Watkins and Yancey.

In the negative, are messrs. President, Arrington, Bishop, Brindley, Creagh, Dougherty, Fleming, Hardaway, Hudson, Kelly, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Ross, Toulmin, Walker of B. Walker of L. Ward, Watrous, Wilson and Winston.

A bill to be entitled an act regulating the manner of incorporating towns, villages and academies, was read the second time, and referred to the judiciary committee.

A bill to be entitled an act to compensate Robert Fenner and Thomas B. Jones for labor done and performed under Executive appointment, &c., was read the first time, and ordered to a second reading.

On motion of Mr. Fleming, the consideration of the bill was postponed until the twenty-eighth inst.

A bill to compensate C. C. Clay and J. Withers Clay, for certain services therein named, was read a second time, and ordered to be engrossed.

A bill to be entitled an act, to repeal in part a certain act therein named, was read a second time and referred to the State Bank committee.

A bill to be entitled an act requiring an execution docket of Bank cases, to be prepared for the use of the Bank, was read a second time and referred to the committee on the judiciary.

A bill to be entitled an act in relation to battalion courts martial, was read a second time, and referred to the committee on military affairs.

A bill to be entitled an act authorizing sales by administrators and

executors in certain cases, was read a second time, and referred to the committee on the judiciary.

A bill to be entitled an act incorporating the town of Union Springs, in the county of Macon, was read a second time, and ordered to a third reading.

A bill entitled an act to explain more fully the discretionary powers of President and Directors of the Bank of the State of Alabama, and the several Branches thereof, was read a second time and referred to the State Bank committee.

A bill to be entitled an act to regulate the issuance of executions on forthcoming bonds, was read a second time, and referred to the committee on the judiciary.

A bill to be entitled an act to repeal the twenty-fifth and thirty-fifth sections of the laws of this State, under the head of General Assembly, in Clay's Digest, was read a second time and referred to the judiciary committee.

Engrossed bill from the House of Representatives, entitled a bill to be entitled an act to divorce Maria L. Davis from her husband James Davis, was read a second time, rule suspended, read a third time, and passed.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the commissioners' court of Madison county to borrow a sum of money, was read the second time and ordered to a third reading.

A message from the House of Representatives:

The House has passed a bill to divorce Palatine McElton from her husband William McElton, in which the concurrence of the Senate is asked.

Engrossed bill from the House of Representatives, entitled a bill to be entitled an act to divorce Palatine McElton from her husband William McElton, was read the first time, rule suspended, read a second time, and referred to the committee on divorce and alimony.

On motion of Mr. Creagh, a bill in relation to working the roads in Baldwin county, was taken from the table, and placed amongst the orders of the day.

On motion of Mr. Marchbanks, the vote in relation to the bill for the relief of Dr. Thomas Moody, was reconsidered, and the bill read again and passed.

Mr. Reese offered a bill to amend the law on the subject of dower; which was read the first time, and ordered to a second reading.

On motion of Mr. Dent, the Senate adjourned until Tuesday, the twenty-sixth inst., at ten o'clock A. M.

SENATE CHAMBER, TUESDAY, DECEMBER, 26th, 1843.

The Senate met pursuant to adjournment on Saturday.

The minutes of Saturday were read and approved.

Mr. Yancey presented a petition of sundry citizens of Autauga coun-

ty, in relation to working on roads; which, on his motion, was referred to the committee on roads, bridges and ferries.

Mr. Terry presented the petition of many citizens of Madison and Morgan counties, in relation to the establishment of a ferry; which was referred to the committee on roads, bridges and ferries.

Mr. Hudson, from the committee on accounts and claims, to whom was referred the accounts of William Garrett, Secretary of State, showing the amount of money expended in stationery, &c., for the use of the State, made the following report:

The committee on accounts and claims, to whom was referred the account of William Garrett, Secretary of State, with the accompanying bills and vouchers, for stationery purchased for the use of the State, have examined the same, and find them to be correct; and have instructed me to report that the amount of money drawn from the Treasury for the purpose of purchasing the above specified articles for the use of the State, is one thousand two hundred dollars; the amount expended is one thousand and seventy-three dollars and ninety-one cents; leaving a balance in the hands of said Secretary, unexpended, of one hundred and twenty-seven dollars and nine cents.

Your committee are satisfied that the plan adopted by the Secretary of State, in purchasing stationery, &c., has proved a saving of at least one thousand dollars in comparison to the cost of the same articles when purchased in this city.

All of which is respectfully submitted to the Senate.

Mr. Walker, from the Judiciary committee, to whom was referred a bill, to be entitled an act, the better to define the liability of sheriffs, and for other purposes, reported the same as inexpedient; which report was laid on the table, and the bill referred to a select committee.

Messrs Phillips, Hudson and McClanahan, were appointed said committee.

Mr. Walker, from the same committee, to whom was referred the remonstrance of the citizens of Athens, against the interference of their town charter or incorporation, reported the same back to the Senate, and say that the committee have no proposition before them proposing to interfere with the charter, and ask to be discharged from the further consideration of the subject, in which report the Senate concurred.

Mr. Walker, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of passing a law to require all prosecutions in assaults and batteries, and affrays, to give security for costs, &c., reported it inexpedient to legislate on the subject; which report was laid on the table.

Mr. McVay, from the committee on propositions and grievances, to whom was referred so much of the Governor's message as relates to the mode of taxing land, reported the same as improperly referred, and asked to be discharged from the further consideration, and that the report and resolution be laid on the table.

Mr. McVay, from the same committee, to whom was referred the petition of Thomas Phillips, reported the same as unnecessary to legislate on the subject, as will be more fully seen on reference to Clay's

Digest, page five hundred and seventy, section sixty-eight, and asked to be discharged from the further consideration.

Concurred in.

Mr. Yancey, from the committee on the judiciary, to whom was referred the petition of Samuel Carnocban and Albert Crumpter, praying to be released from a certain obligation of forfeiture therein named, reported a joint resolution; which was read the first time, and ordered to a second reading.

Mr. Toulmin, from the committee on the State Bank, to whom was referred a resolution directing them to inquire into the expediency of transferring the effects of the Branch Bank at Decatur to the Branch Bank at Huntsville, and the effects of the Branch Bank at Montgomery to the Branch Bank at Mobile, reported it inexpedient to legislate on the subject; in which the Senate concurred.

Mr. Toulmin, from the committee on the State Bank, to whom was referred a bill to be entitled an act to prevent the charging and collecting of interest in certain cases, reported that it was inexpedient to pass the same.

The bill and report was laid on the table.

Mr. Toulmin, from the same committee, to whom was referred joint resolutions creating a Board of Control for the Bank of the State of Alabama, and the several Branches, reported the same as inexpedient; and on motion of Mr. Walker of L. the report and joint resolutions were laid on the table.

Mr. Toulmin, from the same committee, to whom was referred a joint resolution in relation to the claims of the Branch Bank at Mobile, to the property of the late David H. Burke, reported the same back to the Senate, with an amendment, and recommended its passage, which was read a second time, and ordered the bill to be engrossed.

The yeas and nays were demanded—yeas 11, nays 13.

Mr. Winston moved to reconsider the vote, and on motion of

Mr. Hudson, the reconsideration was postponed until to-morrow.

Those who voted in the affirmative, are messrs. President, Dent, Fleming, Foster, Hardaway, Hudson, Moores, Oliver, Toulmin, Walker of B. and Watkins,

Those in the negative, are messrs. Arrington, Bishop, Brindley, Creagh, Kelly, Marchbanks, McClanahan, McVay, Phillips, Reese, Walker of L. Ward and Winston.

Mr. Moores, from the committee on divorce and alimony, to whom was referred a bill to divorce Palatine McElton from her husband Wm. McElton, reported the bill back to the Senate, without amendment, and recommended its passage.

Mr. Phillips introduced a bill to be entitled an act for the removal of causes when the Judge of the county court where the same are pending may be interested; which was read the first time and ordered to a second reading.

Mr. Phillips introduced a bill to be entitled an act to confer certain privileges upon an association therein named, as an inducement to

navigate the Cahawba river with steam power; was read the first time and ordered to a second reading.

Mr. Moore introduced a bill to be entitled an act the more effectually to prevent the selling of spirituous liquors to slaves; was read the first time and ordered to a second reading.

Mr. Hudson introduced a bill to be entitled an act to change the mode of paying jailers for the support of insolvent prisoners in the several counties of this State, and for other purposes, was read the first time and ordered to a second reading.

Mr. Terry offered the following resolutions, which were adopted:

Whereas the existing law requires twenty-four petit jurors to be summoned to attend the courts on the first day of the term, there is never any use for the jury on the first day of the term, in either of the courts, therefore,

Be it resolved by the Senate, That the judiciary committee be instructed to inquire into the expediency of the passage of a law for the said jurors to be summoned to attend on the second day of the term, instead of the first, as now provided for by the law.

And be it further resolved, That if, in the opinion of said committee, they should deem it inexpedient to pass a general law, that they report a bill especially for Limestone county.

Mr. Yancey introduced a bill to be entitled an act to abolish and establish two certain precincts therein named; was read the first time and ordered to a second reading.

Mr. Toulmin introduced a bill to be entitled act amendatory of certain sections of the penal code; read the first time and ordered to a second reading.

Mr. Toulmin introduced a bill entitled an act in relation to recognizances in cases of gaming; was read the first time, and ordered to a second reading.

Mr. Reese introduced a bill to be entitled an act to establish a Board of Physicians in the county of Chambers; which was read the first time, and ordered to a second reading.

Mr. Hardaway offered the following resolution; which was adopted:

Resolved, That the committee on privileges and elections be requested to inquire into the expediency of removing the election precinct in Beat number five, from Griggs' store, in Russell county, to the storehouse of Smith and Davison, in the same beat, and report by bill or otherwise.

The orders of the day were then taken up:

A bill to be entitled an act incorporating the town of Dayton, in the county of Marengo, was read a second time and ordered to be engrossed for a third reading.

An act for the relief of Narcissa Harris, was read a second time, and referred to the judiciary committee.

A bill to be entitled an act to make further distribution of Clay's Digest, was read a second time, and ordered to be engrossed.

A bill to be entitled an act to provide for the taking of the census of

the State of Alabama, was read the second time, and referred to a select committee of messrs. Hudson, Arrington and Walker of L.

Engrossed bill to be entitled an act the better to define the duties of the President and Directors of the Bank of the State of Alabama, and the several Branches thereof, was read a third time and passed.

Engrossed joint resolutions rescinding a certain contract therein named, was read a third time and passed.

Engrossed bill to be entitled an act to compensate Clement C. Clay, and J. Withers Clay for services therein named, was read a third time and passed.

A bill to be entitled an act incorporating the town of Union Springs, in the county of Macon, was read a third time and passed.

A bill to be entitled an act to authorize the commissioners' court of Madison county to borrow a sum of money, was read a third time and passed.

A bill to amend the law on the subject of dower, was read the second time, and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives, to be entitled an act to regulate the working of roads in Baldwin county, in certain cases, was read a third time and passed.

Engrossed bill from the House, to be entitled an act to divorce Palatine McElton from her husband Wm. McElton, was read a third time and passed.

The yeas and nays being demanded, there were yeas 22, nays 3.

Those who voted in the affirmative, are messrs. President, Arrington, Bishop, Brindley, Fleming, Hardaway, Hudson, Kelly, Marchbanks, McClanahan, McVay, Moores, Oliver, Phillips, Toulmin, Walker of B. Walker of L. Ward, Watkins, Watrous, Wilson, and Yancey.

In the negative, are messrs. Creagh, Dent and Foster.

A message from His Excellency by Mr. Harrison, his private Secretary, laying before the Senate the report of the Trustees of the University of Alabama, which was laid on the table, and one hundred and thirty-three copies ordered to be printed for the use of the Senate.

A message from His Excellency:

Mr. President—His Excellency the Governor, has approved bills of the following titles:

An act to cancel the contract of sale of a certain sixteenth section in Russell county:

Joint resolutions of the General Assembly of the State of Alabama, in relation to the real and personal property belonging to the State Bank and Branches:

Which bills originated in the Senate.

A message from the House of Representatives:

The House of Representatives has passed bills of the following titles, to wit:

An act to reduce the fees of jurors and witnesses in Tallapoosa;

An act for the support of paupers in the county of Butler:

An act to amend the charter of the town of Marion, in Perry county:

An act for the security of sheriffs, in certain cases:

An act extending to the county of St. Clair the provisions of a certain act therein named:

An act to authorize the sale of the reports of the Supreme Court:

An act to change the names of certain persons therein mentioned:

In which the concurrence of the Senate is respectfully asked.

The House concurs in the resolution proposing to appoint a joint committee to examine the Comptroller's and Treasurer's offices, and has appointed Messrs. Humphreys, Banks and Portis, said committee, on the part of the House to act with the committee on the part of the Senate.

Engrossed bill from the House, to be entitled an act to reduce the fees of jurors and witnesses in Tallapoosa county.

Engrossed bill from the House to be entitled an act for the support of paupers in the county of Butler.

Engrossed bill from the House, to be entitled an act to amend the charter of the town of Marion, in Perry county.

Engrossed bill from the House, to be entitled an act for the security of sheriffs, in certain cases.

Engrossed bill from the House, to be entitled an act extending to the county of St. Clair the provisions of certain acts therein named.

Engrossed bill from the House, to be entitled an act to authorize the sale of the reports of the Supreme Court.

Engrossed bill from the House, to be entitled an act to change the names of certain persons therein mentioned; were each severally read the first time, and ordered to a second reading.

On motion of Mr. Creagh, the Senator from Wilcox had leave of absence until Wednesday evening.

On motion of Mr. Watrous, the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, Wednesday Morning, December 29, 1843.

The minutes of yesterday were read and approved.

Mr. Fleming, from the committee on military affairs, to whom was referred the annual report of the Quarter Master General, reported as follows;

The committee have duly considered the same, and instruct me to report it back to the Senate, with a request that it may lie on the table, and the committee be discharged; in which report the Senate concurred.

Mr. Fleming, from the same committee, to whom was referred the petition of the citizens of Benton county, in relation to Brigade Drill Officers, reported a bill to be entitled an act to repeal in part a certain act therein named; which was read the first time, and ordered to a second reading.

Mr. Fleming, from the same committee, made the following report:

The committee on military affairs, to which was referred a bill in relation to Battalion courts martial, have had the same under consideration, and instruct me to report it back to the Senate, and recommend its passage.

Mr. Walker of B. from the judiciary committee, made the following report:

The judiciary committee, to which was referred a bill to be entitled an act authorizing sales by administrators and executors in certain cases, have had the same under consideration, and have instructed me to report the following amendment to the bill; and thus amended recommend the passage of the bill.

First amendment—strike out the word “twelve,” in the third line, and insert “eighteen.”

Second amendment—“*Provided* that in no case the administrator or executor become the purchaser at said sale, nor shall be interested in the same, directly or indirectly.”

The amendments were concurred in.

On motion of Mr. Creagh, “ten days” were stricken out, and “thirty days” inserted in lieu thereof.

Mr. Terry offered an amendment, exempting the counties of Limestone, Madison and Lauderdale from the provisions of the bill

The yeas and nays being demanded, there were yeas 9, nays 19—lost.

Those who voted in the affirmative, are messrs. President, Arrington, Creagh, Dent, Fleming, McVay, Toulmin, Walker of L. and Watkins.

In the negative, are messrs. Bishop, Brindley, Burney, Foster, Hardaway, Hudson, Kelly, Marchbanks, McClanahan, Moores, Oliver, Phillips, Reese, Walker of B. Ward, Watrous, Wilson, Winston and Yancey.

Mr. Terry offered the following amendment:

“*Provided*, further, That every administrator and executor shall have the power to suspend the sale.”

The yeas and nays being demanded, the amendment was lost—yeas 10, nays 18.

Those who voted in the affirmative, are messrs. President, Bishop, Creagh, Dent, Fleming, Marchbanks, McVay, Toulmin, Walker of L. and Winston.

In the negative, are messrs. Arrington, Brindley, Burney, Foster, Hardaway, Hudson, Kelly, McClanahan, Moores. Oliver, Phillips, Reese, Walker of B. Ward, Watkins, Watrous, Wilson, and Yancey.

Mr. Phillips called for the previous question.

The Chair put the question—Shall the main question now be put? which was lost.

Mr. McClanahan moved to strike out the words “and doubtful,” and carried.

Mr. Terry offered an amendment, and

On motion of Mr. Watrous, the bill and amendments were referred to a select committee.

Messrs. Watrous, Hudson and Walker of L. were appointed said committee.

Mr. Walker of B. from the judiciary committee, to whom was referred a bill to be entitled an act to regulate the issuance of executions, on forthcoming bonds, reported it inexpedient to pass the bill; and

On motion of Mr. Wilson, the report and bill was laid on the table.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act requiring an execution docket of Bank cases to be prepared for the use of the Bank, reported that it is inexpedient to pass the bill; in which report the Senate concurred.

Mr. McClanahan, from the committee on the rules of the Senate, to whom was referred the resolution to alter the rules, so that when reports are called for from the standing committees, the committee be called for in alphabetical order, reported the same as unnecessary, and ought not to be adopted; which was concurred in.

Mr. Walker, from the judiciary committee, to whom was referred a resolution to inquire into the expediency of holding a term of the Chancery court in the county of Randolph, reported the same as inexpedient to legislate on the subject; which was laid on the table.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act to repeal in part an act entitled an act to prevent the sacrifice of real estate, approved January first, eighteen hundred and forty-two, reported the same back to the Senate with amendments, in which report the Senate concurred, and the bill ordered to be engrossed.

Mr. Dent offered the following resolution; which was adopted:

Resolved, by the Senate, That with the concurrence of the House of Representatives the two Houses will assemble in the Hall of the House on Wednesday next, the third of January, at twelve o'clock M. to elect a Warden for the Penitentiary and Comptroller of Public Accounts, State Treasurer and a Trustee for the University of Alabama for the sixth Judicial Circuit.

Mr. Phillips, from the select committee to whom was referred a bill to be entitled an act the better to enforce the liabilities of Sheriffs and for other purposes, reported the same with amendments; which was concurred in, and the bill ordered to be engrossed.

Mr. Moores introduced a bill to be entitled an act to repeal certain acts therein named, which was read the first time and ordered to a second reading.

Mr. Fleming introduced a bill to be entitled an act to repeal an act in relation to the compensation of Bank Attorneys, approved fourteenth of February, eighteen hundred and forty-three, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Hardaway introduced a bill to be entitled an act to compel holders of jury certificates to have them registered by the county Treasurer

by a certain time; which was read the first time and ordered to a second reading.

Mr. Hardaway presented the accounts and vouchers of J. J. Boswell, which was, on his motion, referred to the committee on accounts and claims.

A special order of the day for Saturday last, which was not reached, was called for, and on motion of Mr. Walker of L. postponed until Monday next.

A bill to be entitled an act for the removal of causes where the Judge of the County Court where the same are pending may be interested, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to confer certain privileges upon an association therein named as an inducement to navigate the Cahawba River with steam power, was read and referred to a select committee of messrs. Phillips, Watrous and Toulmin.

A bill to be entitled an act to fix the compensation of the Clerk of the Supreme court, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act the more effectually to prevent the selling of spirituous liquors to slaves, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to change the mode of paying Jailers for the support of insolvent prisoners in the several counties of this State and for other purposes, was read a second time and referred to the committee on accounts and claims.

A bill to establish and abolish two election precincts therein named, was read a second time and referred to the committee on privileges and elections.

A bill to be entitled an act amendatory of certain sections of the Penal Code, was read the second time and referred to the judiciary committee.

A bill to be entitled an act in relation to recognizances in cases of gaming, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to establish a Board of Physicians in the county of Chambers, was read a second time and ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act to make a further distribution of Clay's Digest, was read a third time and passed.

A bill to be entitled an act to incorporate the town of Dayton, in Marengo county, was read a third time and passed.

Engrossed bill from the House of Representatives entitled, A bill to be entitled an act to reduce the fees of jurors and witnesses in the county of Tallapoosa, was read a second time and ordered to a third reading.

Engrossed bill from the House entitled, A bill to be entitled an act for the support of paupers in the county of Butler, was read a second time and referred to the committee on propositions and grievances.

Engrossed bill from the House entitled, A bill to be entitled an act to amend the charter of the town of Marion, in Perry county, was read a

second time, and the further consideration postponed until Friday next.

Engrossed bill from the House, entitled a bill to be entitled an act for the security of Sheriffs in certain cases, was read a second time and referred to the judiciary committee.

Engrossed bill from the House, entitled a bill to authorize the sale of the Reports of the Supreme Court, was read the second time and referred to the judiciary committee.

Engrossed bill from the House, entitled a bill to be entitled an act to change the names of certain persons therein mentioned, was read a second time and ordered to a third reading.

Engrossed bill from the House, entitled a bill to be entitled an act extending to the county of St. Clair the provisions of certain acts therein named, was read a second time and ordered to a third reading.

A bill to be entitled an act in relation to Battalion Courts Martial, was read a second time and ordered to be engrossed for a third reading.

Mr. Hudson, from the select committee, to whom was referred a bill to be entitled an act for taking the census of the State of Alabama for the year eighteen hundred and forty-four, reported the same back with an amendment; which report was concurred in, and on ordering the bill as amended to be engrossed for a third reading,

Mr. Watrous moved that it be postponed till to-morrow, the twenty-eighth inst. at eleven o'clock.

The motion of Mr. Hudson made on yesterday to postpone the reconsideration of the vote on Mr. Winston's motion in the case of the Branch Bank at Mobile and the heirs of David H. Burke, was taken up and lost.

Joint resolutions for the relief of Samuel Carnochan and Albert Crumpler, was read a second time and a substitute offered therefor by Mr. Yancey; which adopted; and on ordering the same to be engrossed for a third reading the yeas and nays were demanded, and there were yeas 14, nays 11: the bill was ordered to be engrossed.

In the affirmative, were messrs. Arrington, Bishop, Brindley, Creagh, Dent, Fleming, Foster, Hardaway, Kelly, Oliver, Toulmin, Watkins and Yancey.

In the negative, were messrs. President, Hudson, Marchbanks, McClanahan, McVay, Phillips, Walker of B. Walker of L. Ward, Wilson, and Winston.

On motion of Mr. Watrous the Senate adjourned until to-morrow morning, ten o'clock.

SENATE CHAMBER, THURSDAY MORNING, December 28, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Walker, from the judiciary committee, to whom was referred a bill to be entitled an act to regulate conjugal rights as regards property, reported that it was inexpedient to pass the bill.

Mr. Yancey, from the same committee, made a minority report, and on his motion both reports and the bill was postponed till Thursday next,

fourth of January, eighteen hundred and forty-four, and made the special order of that day at twelve o'clock.

Mr. Toulmin, from the State Bank committee, to whom was referred the petition of Charles Gookin, reported that after giving said petition a careful consideration, that it is inexpedient to legislate on the subject, which report and bill was laid on the table.

Mr. Toulmin, from the same committee, to whom was referred the petition of John W. Davis and others, of Lauderdale county, reported after a careful consideration of the subject that it was inexpedient to legislate on the subject, which report and petition was laid on the table.

Mr. Toulmin, from the same committee to whom was referred a bill to be entitled an act to repeal in part an act therein named, reported the same back to the Senate without amendment and recommended its passage.

Mr. Toulmin, from the same committee, to whom was referred a resolution enquiring into the expediency of lessening the number of officers of the State Bank and its several Branches, reported a bill to the Senate in accordance thereto; which report was concurred in.

A bill to be entitled an act to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches and for other purposes, was read the first time and ordered to a second reading.

Mr. Walker, from the judiciary committee, to whom was referred the petition of Wm. R. Pickett, praying the passage of a law to secure to married women certain property, &c., reported that it was inexpedient to grant the prayer of the petitioner, and on motion the report and petition was laid on the table.

Mr. Foster, from the judiciary committee, to whom was referred a bill to be entitled an act to repeal the twenty-fifth and thirty-fifth sections of the laws of this State, under the head of General Assembly, in Clay's Digest, reported the same back to the Senate without amendment and recommended its passage.

The bill was read a second time and ordered to be engrossed for a third reading.

Mr. Brindley, from the committee on roads, bridges, and ferries, to whom was referred the petition of sundry citizens of Autauga county, relating to persons exempt by law from working on roads, reported a bill to be entitled an act in relation to the working of public roads; which was read the first time and ordered to a second reading.

Mr. President announced the orders of the day.

A bill to be entitled an act to repeal in part a certain act therein named, was read a second time, and recommitted to the committee on military affairs.

A bill to be entitled an act to repeal in part and amend an act entitled an act to prevent the sacrifice of real estate, approved January first, eighteen hundred and forty-two, was read the third time, and passed.

Engrossed bill to be entitled an act the better to enforce the liability

of sheriffs, and for other purposes, was read the third time and passed.

A bill to be entitled an act to repeal certain acts therein named, was read a second time and referred to a select committee, of messrs. Walthall, Moores, and Winston.

A bill to be entitled an act to repeal an act in relation to compensation of Bank Attorneys, approved fourth February, eighteen hundred and forty-three, and for other purposes, was read a second time, and referred to the State Bank committee.

A bill to be entitled an act to compel the holders of jury certificates, to have them registered by the county Treasurer by a certain time, was read a second time and referred to the committee on the judiciary.

Engrossed bill to be entitled an act to fix the compensation of the clerk of the Supreme court, was read the third time and passed.

Engrossed bill to be entitled an act to establish a board of physicians in the county of Chambers, was read a third time and passed.

Engrossed bill from the House:

A bill to be entitled an act to reduce the fees of jurors and witnesses in the county of Tallapoosa, was read a third time and passed.

Engrossed bill from the House:

A bill to be entitled an act to change the name of certain persons therein named, was read the third time and passed.

Engrossed bill from the House:

A bill to be entitled an act extending to the county of St. Clair, the provisions of certain acts therein named, was read a third time and passed.

Engrossed bill to be entitled an act in relation battalion courts martial, was read a second time and ordered to a third reading.

Joint resolution for the relief of Sam'l Conocban and Albert Crumpter, was read a third time.

The yeas and nays being demanded on its passage, there were yeas 13, nays 14:

The joint resolution was lost.

Those who voted in the affirmative, are messrs. Bishop, Brindley, Creagh, Dent, Foster, Hardaway, Kelly, King, Moores, Oliver, Toulmin, Ward, and Yancey—13.

In the negative, are messrs. President, Arrington, Hudson, McClanahan, McVay, Phillips, Reese, Ross, Walker of B. Walker of L. Walthall, Watrous, Wilson, and Winston—14.

A bill to be entitled an act to repeal in part an act therein named, was read a second time and ordered to be engrossed for a third reading.

Mr. President announced the special order of the day.

A bill to compensate Robert Fenner and Thomas B. Jones for labor done by Executive appointment, was read a second time, and on motion of Mr. Walker of L. referred for further consideration to the committee on accounts and claims.

A bill to be entitled an act to provide for taking the census of the State of Alabama, for the year eighteen hundred and forty-four, being also a special order of the day, was taken up and read a third time and passed.

A bill to be entitled an act to authorize the withdrawal of the sixteenth section fund from the Bank of the State of Alabama and the several Branches thereof, being also a special order of the day, the question being on concurring in the report of the committee on said bill, and while the subject was under consideration, on motion of Mr. Watrous, the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, Friday Morning, December 29th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson, from the committee on accounts and claims, to whom was referred a bill to be entitled an act to change the mode of paying jailers' fees for the support of insolvent prisoners in the several counties in this State, and for other purposes, reported the same back to the Senate without amendment, and asked to be discharged from the further consideration of the subject.

In which report the Senate concurred.

Mr. Hudson, from the same committee, to whom was referred so much of the Governor's message, as relates to sheriffs' and jailers' fees, reported that a bill was now in progress before the Senate embracing the object desired to be effected by the resolution, and asked to be discharged from the further consideration of the subject.

In which report the Senate concurred.

Mr. Hudson, from the same committee, to whom was referred a bill to be entitled an act to compensate Robert Fenner and Thomas B. Jones, for labor done and performed under Executive appointment, reported that the committee have agreed to allow them the sum of three hundred dollars, and reported the bill back to the Senate, with the following amendment, viz:

Strike out the word "twelve" where it occurs, and insert "three;" also, strike out the words "twenty-seven and sixty cents;" and with these amendments, the committee recommend the passage of the bill.

The report of the committee was concurred in.

The bill read a second time and ordered to be engrossed.

Mr. Walthall, from the committee on privileges and elections, to whom was referred a bill to be entitled an act to alter the mode of establishing and abolishing election precincts in the several counties of this State, reported it inexpedient to pass the bill.

In which report the Senate concurred.

Mr. Walthall, from the same committee, to whom was referred so much of the Governor's message as relates to taking the census of the State, asked to be discharged from the further consideration of the subject, the Senate having prepared a bill for the taking of the census.

Concurred in by the Senate.

Mr. Walker, from the committee on the judiciary, to whom was referred a bill to be entitled an act amendatory of certain sections of the penal code, reported that the committee have had the same under consideration, and instructed him to report that the bill ought not to pass; which report and bill was laid on the table.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act for the removal of causes when the Judge of the county court where the same are pending may be interested, reported that the law on the subject embraced in the bill, is ample and sufficient, and therefore this bill ought not to pass; in which report the Senate concurred.

Mr. Walker, from the same committee, to whom was referred the petition of John B. Stephens and James C. Sankey, executors of the last will and testament of the estate of John S. Sankey, deceased, asking to remove the effects of said estate from the county of Montgomery to the county of Lowndes, reported a bill to authorize the same, and recommended its passage; which bill was read the first time, and ordered to a second reading.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act for the relief of Narcissa Harris, reported that the bill ought not to pass, in which report the Senate concurred.

Mr. Walker, from the same committee, to whom was referred an engrossed bill from the House of Representatives, entitled an act for the security of Sheriffs in certain cases, reported the same as inexpedient to pass; and on motion, the report and bill was laid on the table.

Mr. Walker, from the same committee, to whom was referred an engrossed bill from the House of Representatives, entitled an act to authorize the sale of the Reports of the Supreme Court, reported the passage of the bill as unnecessary, the law now making it the duty of the Governor to dispose of the Reports, and that officer having already made arrangements to sell the Reports on hand, and to require the Secretary of State to do that which the Governor now proposes by law, is unnecessary; in which report the Senate concurred.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act in relation to recognizances in cases of gaming, reported it inexpedient to pass the bill. The report and bill was laid on the table.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act regulating the manner of incorporating towns, villages and academies, reported the same back to the Senate without amendment, and recommended its passage. The bill was read the first time, and ordered to a second reading.

Mr. Walker, from the same committee, to whom was referred a bill to be entitled an act the more effectually to prevent the selling of spirituous liquors to slaves, reported the same back with an amendment, and as amended recommended its passage.

On motion of Mr. Terry, the report, bill and amendment were referred to a select committee of Messrs. Burney, Moores and Phillips.

Mr. Walker, from the same committee, to whom was referred a reso-

lution of enquiry in relation to requiring twenty-four petit jurors to be and appear on the second day of the term instead of the first of the term of the court, reported that it is inexpedient to legislate on the subject.

On motion of Mr. Terry, the report and resolution was referred to a select committee with instructions to report a bill in blank as relates to counties. Messrs. Fleming, Hudson and Phillips were appointed said committee.

Mr. Brindley, from the committee on roads, bridges and ferries, to whom was referred the petition of sundry citizens of Madison and Morgan counties, praying the repeal of an act passed on the ninth day of January, eighteen hundred and thirty-three, authorizing one James Young to establish a ferry across the Tennessee river, and part of another, for the benefit of Joel Watkins, his heirs and assigns, reported the same back to the Senate as inexpedient, and asked to be discharged from its further consideration; in which the Senate concurred.

Mr. Toulmin, from the State Bank committee, to whom was referred a resolution enquiring into the expediency of reducing the salaries of Bank officers, reported that there was a bill before the Senate embracing the object of the resolution, and asked to be discharged from its further consideration; in which the Senate concurred, and the committee discharged.

Mr. Toulmin, from the same committee, to whom was referred, a bill entitled an act to explain more fully the discretionary powers of the President and Directors of the Bank of the State of Alabama and the several Branches thereof, reported that it was inexpedient to pass the law inasmuch as the present law embraces the provisions of this bill; in which report the Senate concurred.

Mr. Toulmin, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of diminishing the number of officers of the different Branches, and also whether it is not compatible with the public interest to dispose entirely of all the officers of the various Branches, and commit the management of those Branches to commissioners appointed for that purpose, reported the subject to which reference is had in the first clause of the said resolution, is embraced in a bill heretofore reported to the Senate, and that it is inexpedient to legislate on the subject referred to in the second clause of the said resolution; in which report the Senate concurred.

Mr. Arrington, from the committee on propositions and grievances, to whom was referred a bill to be entitled an act for the relief of paupers in the county of Butler, reported the same back to the Senate, and recommended its passage. The bill was read — time, and ordered to a — reading.

Mr. Watrous, from the select committee, to whom was referred a bill to be entitled an act to authorize sales by executors and administrators in certain cases, reported a bill as a substitute for the original bill; which was amended by Mr. Kelly.

The bill and amendments were read and ordered to be engrossed for a third reading.

Mr. Phillips, from the select committee, to whom was referred a bill to be entitled an act to confer certain privileges on an association therein

named, as an inducement to navigate the Cahawba river with steam power, reported the same back to the Senate, and recommended its passage. The bill was read a second time, and ordered to be engrossed.

Mr. Fleming introduced a bill to be entitled an act for the relief of the tax collector of Madison county; which was read the first time, and ordered to a second reading.

Mr. Ross introduced a bill to be entitled an act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section in township eleven, of range six, in the county of Wilcox: was read the first time, and ordered to a second reading.

Mr. Terry introduced a bill to be entitled an act for the benefit of the estate of James Odell, deceased; which was read the first time, and ordered to a second reading.

Mr. Fleming introduced joint resolutions to amend the Constitution of the State of Alabama; which were read the first time, and, on motion to lay on the table,

Mr. Terry demanded the yeas and nays,

Those who voted in the affirmative, are messrs. President, Creagh, Dent, Hardaway, Oliver, Reese, and Toulmin—7.

Those who voted in the negative, are messrs. Arrington, Bishop, Brindley, Burney, Fleming, Foster, Hudson, Kelly, King, McAlpin, McClanahan, McVay, Moores, Phillips, Ross, Walker of L., Walthall, Ward, Watkins, Watrous, Wilson and Yancey—22.

The Senate refused to lay the resolutions on the table, and were ordered to a second reading.

Mr. Walthall moved to reconsider the vote taken on yesterday, on the joint resolutions for the relief of Samuel Carnochan and Albert Crumpter; and,

On motion of Mr. Hudson, the reconsideration was postponed until tomorrow.

The bill under consideration on yesterday, at the time of adjournment, being a bill for the withdrawal of the sixteenth section fund from the Bank of the State of Alabama and its several Branches, was then taken up.

Mr. Fleming moved its reference to a select committee.

The yeas and nays being demanded, there were yeas 8—nays 22.

Those who voted in the affirmative, are messrs. President, Arrington, Bishop, Brindley, Fleming, Foster, McClanahan and McVay.

In the negative, are messrs. Burney, Creagh, Hardaway, Hudson, Kelly, King, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Toulmin, Walker of B., Walker of L., Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yancey.

The Senate refused to refer the bill.

The question being on concurring in the report of the committee.

The yeas and nays being demanded, there were, yeas 18—nays 12.

The report of the committee was concurred in.

Those who voted in the affirmative, are messrs. Brindley, Burney, Creagh, Hardaway, Kelly, King, Moores, Oliver, Phillips, Reese, Ross,

Toulmin, Walker of L., Walthall, Ward, Watrous, Winston and Yancey—18.

Those who voted in the negative, are messrs. President, Arrington, Bishop, Fleming, Foster, Hudson, McAlpin, McClanahan, McVay, Walker of B., Watkins and Wilson—12.

Mr. Ross, from the committee on enrolled bills, reported that they have examined, and find correctly enrolled, bills of the following titles, to wit:

An act to reduce the fees of Jurors and witnesses in the county of Tallapoosa:

An act to change the names of certain persons therein named:

An act extending to the county of St. Clair the provisions of certain acts therein named:

An act to divorce Palatine McElton from her husband William McElton;

Engrossed bill from the House:

A bill, to be entitled an act to amend the charter of the town of Marion, being the special order of the day, was postponed until Saturday next.

Mr. Watrous introduced a bill, to be entitled an act granting discretionary powers to the President and Directors of the State Bank and Branches, in certain cases; was read the first time, and ordered to a second reading.

On motion of Mr. Winston, the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, SATURDAY, Dec. 30, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McAlpin presented the petition of Philip Lightfoot, of Greene county; which was referred to the committee on roads, bridges, and ferries.

Mr. Reese presented the account of Thomas J. Harred, of Chambers county; and, on his motion, was referred to the committee on accounts and claims.

Mr. Foster presented the account of Asa W. Allen, of Cherokee; which was referred to the committee on accounts and claims.

Mr. Hudson, from the committee on federal relations, to whom was referred a resolution in relation to the annexation of Texas to the United States, reported joint resolutions; which was read, and, on his motion, laid on the table, and one hundred and thirty-three copies thereof ordered to be printed for the use of the Senate.

Mr. Toulmin, from the State Bank committee, to whom was recommended a bill to be entitled an act to repeal the fourth section of an act entitled an act to regulate the management of and expenses of the Bank of the State of Alabama and its several Branches, approved the eleventh February, one thousand eight hundred and forty-three, reported that the committee again reported the same as inexpedient.

And, on motion of Mr. Walthall, the report and bill was laid on the table.

Mr. Toulmin, from the same committee, to whom was referred a resolution instructing said committee to inquire into the expediency of authorizing the State Bank and its several Branches to take bills of exchange, drawn upon Mobile or New Orleans, in payment of curtailments on debts said institutions—the bills to express on their face, to be met in gold or silver, or funds equivalent thereto; also, into the propriety of raising upon protested bills of exchange, reported that the committee have had the same under consideration; and that it is inexpedient to legislate on the subject.

The question being on concurring in the report of the committee,

Mr. Terry demanded the yeas and nays. There were, yeas 22—nays 7.

The Senate concurred in the report.

Those who voted in the affirmative, are Messrs. Arrington, Bishop, Burney, Creagh, Dent, Foster, Hardaway, Hudson, Kelly, King, McAlpin, McVay, Oliver, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watkins, Watrous and Winston.

Those who voted in the negative, are Messrs. President, Brindley, Fleming, McClanahan, Moores, Walker of B., and Wilson.

Mr. McVay introduced a bill to be entitled an act for the relief of Charles Gookin, and John M. Davis; which was read the first time, and ordered to a second reading.

Mr. Phillips introduced a bill to be entitled an act to reduce the compensation of Sheriff of Tuscaloosa county for attending on the Supreme court; was read the first time, and ordered to a second reading.

Mr. Hardaway introduced a bill to be entitled an act to incorporate the town of Girard, in the county of Russell; which was read the first time, and ordered to a second reading.

Mr. Foster introduced a bill, to be entitled an act to incorporate the Tennessee and Coosa rail road company; which was read the first time, and ordered to a second reading.

Mr. Walthall introduced a bill to be entitled an act to regulate the damages upon appeals and writs of error:

Ordered to a second reading.

Mr. Bishop introduced a bill to be entitled an act to change the line between the counties of Talladega and Benton; which was read the first time, and ordered to a second reading.

Mr. Arrington introduced a bill to be entitled an act to incorporate a company for the manufactory of cotton and woollen goods: read the first time, and ordered to a second reading.

Mr. Oliver offered the following resolution; which was adopted:

Resolved, That the committee on the State Capitol inquire into the best plan of preventing the falling off of the plastering over head in the Capitol; and report by bill, resolution or otherwise.

Mr. Ross introduced a bill, to be entitled an act to restrict the corpo-

rate limits of the town of Allenton, in Wilcox county, and for other purposes.

Read and ordered to a second reading.

Mr. Ross introduced a bill to be entitled an act for the relief of the Administratrix of Robert Williamson, deceased.

Read, and ordered to a second reading.

Mr. Foster introduced a bill to be entitled an act to change the time of holding the February term of the Commissioner's court of Cherokee county—read the first time and ordered to a second reading.

Mr. Winston introduced a bill to be entitled an act to authorize brigade encampments in the sixteenth brigade, Alabama militia: read, and ordered to a second reading.

Mr. Kelly offered the following resolution; which was adopted:

Resolved, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Elijah Self, in Jefferson county; and that they report by bill or otherwise.

Mr. Ward introduced a bill, to be entitled an act to change the time of convening the General Assembly of the State of Alabama; which was read the first time, and ordered to a second reading.

By Mr. Hudson:

A bill, to be entitled an act to confer upon Commissioner's courts of roads and revenue power to regulate and determine the width of lanes of the second and third grades of roads.

Read the first time, and ordered to a second reading.

Mr. Toulmin introduced a bill to be entitled an act to authorize William McGhee to open a certain road therein mentioned, and for other purposes.

Read the first time, and ordered to a second reading.

On motion of Mr. Phillips,

Joint resolutions creating a board of control and substitute was taken from the table, and the whole matter referred to the State Bank committee.

The orders of the day being announced:

An act to, reduce the salaries of the President, Directors, and other officers of the Bank of the State of Alabama and its several Branches, and for other purposes.

Mr. Creagh offered the following amendment; which was adopted:

Provided, That no officer of either of the Banks hereafter to be elected, shall receive any other compensation than the pay allowed by the provisions of this act.

The bill, as amended, was read a second time, and ordered to be engrossed for a third reading.

An act in relation to working on roads, was read a second time, and ordered to be engrossed for a third reading.

Mr. Ross, from the committee on enrolled bills, reported the following bills as correctly enrolled:

An act to divorce Maria L. Davis from her husband James Davis.

An act to regulate the working of roads in Baldwin county, in certain cases:

An act to authorize the commissioner's court of Madison to borrow a sum of money:

An act to repeal the twenty-fifth and thirty-fifth sections of the law of this State, under the head of General Assembly, in Clay's Digest, was read the third time and passed.

The yeas and nays being demanded, there were, yeas 17—nays 11.

Those who voted in the affirmative, are messrs. President, Arrington, Bishop, Burney, Dent, Fleming, Foster, Hardaway, King, Phillips, Ross, Toulmin, Walker of B., Walthall, Ward, Watrous, and Winston.

In the negative, are messrs. Brindley, Creagh, Hudson, Kelly, McAlpin, McClanahan, McVay, Moores, Oliver, Walker of L., and Wilson.

Engrossed bill to be entitled an act in relation to battalion courts martial, was read the third time and passed.

Engrossed bill to be entitled an act to repeal in part an act therein named; was read a third time and passed.

A bill to be entitled an act to change the mode of paying jailers for the support of insolvent prisoners in the several counties of this State, and for other purposes, was read the second time, and an amendment offered by Mr. Kelly; and, on ordering the bill and amendment to be engrossed.

The yeas and nays were demanded—yeas 17—nays 12.

The bill was ordered to be engrossed.

Those who voted in the affirmative, are messrs. President, Arrington, Bishop, Brindley, Dent, Hardaway, Hudson, Kelly, King, McAlpin, McClanahan, McVay, Phillips, Ross, Walker of B., Watrous and Wilson.

In the negative, were messrs. Burney, Creagh, Fleming, Foster, Moores, Oliver, Reese, Toulmin, Walker of L., Walthall, Ward, and Winston.

An act regulating the manner of incorporating towns, villages, and academies, was read a second time, and ordered to be engrossed.

Engrossed bill from the House, to be entitled an act for the support of paupers in the county of Butler, was read a third time and passed.

An act to confer certain privileges upon an association therein named as an inducement to navigate the Cahawba river, with steam power, was read a second time and ordered to be engrossed.

A bill to authorize the executors of the estate of John S. Sankey, deceased, to remove the effects of said estate from the county of Montgomery to the county of Lowndes, was read a second time, and on motion was laid on the table.

A bill to be entitled an act for the relief of the tax collector of Madison county, was read a second time, and referred to the committee on propositions and grievances.

A bill to be entitled an act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township eleven, of range six, in the county of Wilcox, was read a second time, and ordered to a third reading.

A bill to be entitled an act for the benefit of the estate of James

Odell, deceased, was read a second time, and referred to the committee on accounts and claims.

Joint resolutions to amend the Constitution of the State of Alabama, was read a second time, and referred to the judiciary committee.

Engrossed bill from the House:

A bill to be entitled an act to amend the charter of the town of Marion, in Perry county, was read a second time, and on motion of Mr. Walthall, laid on the table.

A bill to be entitled an act granting discretionary powers to the directors of the Banks, in certain cases, was read a second time, and referred to the State Bank committee.

A message from the House of Representatives:

Mr. President—The House of Representatives has passed a bill for the relief of the citizens of township fifteen, range eight east, in the county of Benton.

Engrossed bill from the House:

A bill to be entitled an act for the relief of the citizens of township fifteen, range eight east, in the county of Benton; was read the first time, and ordered to a second reading.

A message from the House of Representatives:

Mr. President—The House of Representatives has passed the following bill:

A bill to be entitled an act for the relief of Bridget O'Brien; in which the concurrence of the Senate is asked.

The House refused to pass a bill from the Senate to change the time of holding the county court of Sumter county.

Engrossed bill from the House:

A bill to be entitled an act for the relief of Bridget O'Brien, was read the first time, and ordered to a second reading.

Mr. Terry offered the following resolution, which was adopted:

Resolved by the Senate, That the committee on federal relations be instructed to inquire into the expediency of memorializing Congress to establish a naval depot and dock yard at the city of Memphis, on the Mississippi river, or at any other more eligible point in any of the Southern or Southwestern States; and if in the opinion of said committee, it be expedient, to prepare and report to the Senate a memorial in accordance to the foregoing resolution.

Mr. Hudson offered the following preamble and resolution, which was adopted:

Whereas, it appears that the President and Directors of the Branch of the Bank of the State of Alabama, at Decatur, have become the owners in part, or the whole, of the Tuscumbia, Courtland and Decatur Railroad, together with other property thereunto belonging; and whereas, the commissioners who have examined said Bank have recommended the passage of a law authorizing the sale of said road, &c. therefore

Be it resolved, That the committee on the State Bank be instructed to inquire into the expediency of the passage of such a law, and report by bill or otherwise.

Mr. Watrous introduced a bill to be entitled an act to regulate the

hawking and peddling of books and periodicals in this State; which was read the first time, and ordered to a second reading.

Mr. Brindley moved to reconsider the vote taken on yesterday on the bill for the withdrawal of the sixteenth section fund, and on motion of Mr. Terry, the reconsideration was postponed until Monday.

Mr. King moved to take from the table joint resolutions declaring the Cashier of the State Bank to be Treasurer of the State, and providing for his election annually, which was done, and placed amongst the orders of the day.

On motion of Mr. Walthall, the Senate adjourned until Monday morning, ten o'clock.

SENATE CHAMBER, Monday, January 1, 1844.

The Senate met pursuant to adjournment.

The minutes of Saturday were read and approved.

Mr. Oliver presented the petition of the citizens of Montgomery county to change an election precinct; which was referred to the committee on privileges and elections.

Mr. Creagh presented the petition of sundry citizens of Wilcox county, asking to be attached to Clarke county; which was referred to the committee on county boundaries.

Mr. Hudson, from the committee on accounts and claims, to whom was referred the account of John J. Boswell, for medical services to the citizens of Russell county, in curing the small pox, have had the same under consideration, and instructed him to report that it is inexpedient, and ought not to be allowed; the account not having been made out in that way that would justify its payment under law, which is to be found in Clay's Digest, page five hundred.

Mr. Hardaway, with leave, withdrew the account.

Mr. Fleming, from the committee on military affairs, to whom was recommitteed a bill to discontinue a drill officer, in the seventy-second regiment, sixteenth brigade, eighth division, Alabama militia, reported a general bill on the subject, entitled an act to repeal a certain act therein named; which was read the first time, and ordered to a second reading.

Mr. Reese, from the judiciary committee, to whom was referred a bill to amend the law on the subject of dower, reported the same back to the Senate, with an amendment, and recommended its passage; which was read the second time, and ordered to be engrossed for a third reading.

Mr. Walthall, from the committee on privileges and elections, to whom was referred sundry resolutions and a bill to establish and abolish certain election precincts, reported a bill in lieu of the bill referred, which was read and postponed until Thursday next.

Mr. Fleming, from the select committee, to whom was referred a resolution proposing to alter the law so as to have petit jurors summoned to attend on the second day of the term of the courts in certain

counties, reported a bill in accordance thereto, and recommended its passage; which was read the first time, and ordered to a second reading.

Mr. Ross introduced a bill to be entitled an act to prescribe the duties and regulate the compensation of Bank attorneys, and for other purposes; was read the first time, and ordered to a second reading.

Mr. Reese introduced a bill to be entitled an act to change the time of holding the circuit courts in the ninth Judicial circuit; which was read the first time, and ordered to a second reading.

Mr. Walker of B. introduced a bill to be entitled an act to explain an act therein named; which was read the first time, rule suspended, read the second time, and ordered to a third reading.

Mr. King introduced a bill to be entitled an act to authorize James Nance to remove the settlement of the estates of Lundy Lee and Pleasant Lee from the county of Dallas to the county of Pickens; which was read the first time, and ordered to a second reading.

Mr. Hudson moved to refer the reports of the State Bank and the different Branches thereof, to the State Bank committee; which was so referred.

Mr. King introduced a bill to be entitled an act to provide for the collection of Bank debts from non-residents; which was read the first time, and ordered to a second reading.

Mr. Terry offered the following resolution, which was adopted:

Resolved, That the Senate adjourn on this day, first January, and also on Tuesday, second, at two o'clock, for the purpose of giving the use of this Chamber to the Whig Convention, which assembles on this day.

Mr. Walker of L., presented the petition of the commissioners' court of Lawrence county, which was referred to the committee on propositions and grievances.

Mr. Toulmin offered joint resolutions conferring certain powers on the Governor in relation to the personal property belonging to the State Bank and Branches, which was read the first time and ordered to a second reading.

Mr. President announced the orders of the day.

Engrossed bill to be entitled an act to compensate Robert Fenner and Thomas B. Jones for labor done and performed under executive appointment, was read a third time and passed.

Engrossed bill to be entitled an act authorizing sales by executors and administrators in certain cases, was read the third time and passed.

Engrossed bill to be entitled an act to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches and for other purposes, was read a third time and passed.

Engrossed bill to be entitled an act in relation to working public roads, was read the third time and passed.

Engrossed bill to be entitled an act to change the mode of paying Jailers for the support of insolvent prisoners in the several counties of

this State and for other purposes, was read the third time, and on its passage the yeas and nays were demanded.

Those who voted in the affirmative, are messrs. President, Arrington, Bishop, Dent, Hardaway, Hudson, Kelly, King, McAlpin, McClanahan, McVay, Oliver, Phillips, Reese, Ross, Ward, Watrous and Wilson,—18.

In the negative, are messrs. Brindley, Burney, Creagh, Fleming, Foster, Moores, Toulmin, Walthall, Watkins, Wilson and Yancey—12.

The bill passed.

Engrossed bill to be entitled an act prescribing the mode of incorporating Towns, Villages and Academies in this State, was read the third time.

The yeas and nays being demanded, there were yeas 15—nays 14.

Those who voted in the affirmative, are Messrs. Arrington, Creagh, Dent, Hardaway, Hudson, King, McAlpin, Oliver, Phillips, Reese, Ross, Toulmin, Ward, Watrous and Yancey—15.

In the negative, Messrs. President, Bishop, Brindley, Burney, Fleming, Foster, Kelly, McClanahan, McVay, Walker of L., Walthall, Watkins, Wilson and Winston—14.

The bill passed.

Engrossed bill to be entitled an act to confer certain privileges on an association therein named as an inducement to navigate the Cahawba river with steam power, was read the third time and passed.

Engrossed bill to be entitled an act in relation to the rescission of a certain contract of purchase of part of sixteenth section in township eleven, range six, in the county of Wilcox, was read a third time and passed.

A bill to be entitled an act for the relief of Charles Gookin and John M. Davis was read the second time, and the following amendment offered by Mr. Hudson:

Provided, That the said Gookin and Davis shall first enter into bond with good security to the satisfaction of said Board of Directors, conditioned to refund the same back to the Bank, if it should appear hereafter that the money was improperly drawn. On which the yeas and nays were demanded.

The amendment was adopted—yeas 17, nays 13.

Those who voted in the affirmative, are messrs. President, Brindley, Creagh, Dent, Fleming, Foster, Hardaway, Hudson, Kelly, King, McClanahan, McVay, Oliver, Toulmin, Walker of L., Watkins and Wilson—17.

In the negative, messrs. Arrington, Bishop, McAlpin, Moores, Phillips, Reese, Ross, Walker of B., Walthall, Ward, Watrous, Winston and Yancey—13.

On the question for ordering the bill to be engrossed,

Those who voted in the affirmative, are messrs. President, Brindley, Fleming, Foster, Hudson, McVay, Moores, Oliver, Toulmin and Walker of L.—10.

In the negative, messrs. Arrington, Bishop, Creagh, Dent, Hardaway, Kelly, King, McAlpin, McClanahan, Phillips, Reese, Ross, Walker of

B. Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yancey
—20.

The order to engross was lost.

A bill to be entitled an act to reduce the compensation of the sheriff of Tuscaloosa county for attending on the Supreme Court, was read a second time, the rule suspended—read a third time and passed; and the House informed thereof.

A bill to be entitled an act to incorporate the town of Girard, in the county of Russell, was read a second time and ordered to a third reading.

A bill to be entitled an act to incorporate the Tennessee and Coosa Rail Road Company, was read the second time and referred to the committee on internal improvement and inland navigation.

A bill to be entitled an act to regulate the damages upon appeals and writs of error, was read a second time and referred to the committee on the judiciary.

A bill to be entitled an act to change the line between the counties of Talladega and Benton, was read the second time and referred to a select committee, of messrs. Walker of B. Bishop and Watkins.

A bill to be entitled an act to incorporate a company for the purpose of manufacturing cotton and woollen goods, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to prescribe the corporate limits of the town Allenton, in Wilcox county, and for other purposes, was read a second time and ordered to a third reading.

A bill to be entitled an act for the relief of the administratrix of Robert Williamson, deceased, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to change the time of holding the February term of the commissioners' court in Cherokee county, was read a second time and referred to a select committee of messrs. Fleming, Ross and Creagh.

A bill to be entitled an act to authorize brigade encampments in the sixth brigade, Alabama militia, was read a second time and referred to the committee on military affairs.

A bill to be entitled an act to change the time of convening the General Assembly of the State of Alabama, was read a second time and ordered to be engrossed.

The yeas and nays being demanded, there were yeas 14, nays 12.

Those who voted in the affirmative, are messrs. Arrington, Bishop, Burney, Creagh, Dent, Fleming, Hardaway, King, Phillips, Ross, Toulmin, Walthall, Ward and Yancey.

In the negative, messrs. President, Brindley, Hudson, Kelly, McClanahan, McVay, Moores, Oliver, Reese, Walker of B. Walker of L. and Watrous.

A bill to be entitled an act to confer upon the commissioners' court of roads and revenue power to regulate and determine the width of lanes of the second and third grades of roads, was read a second time and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act to authorize Wm. McGhee to open a certain road therein named, was read a second time and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act granting discretionary powers to the Directors of the Bank in certain cases, was read the second time and referred to the State Bank committee.

Engrossed bill from the House of Representatives, entitled an act for the relief of the citizens of township fifteen, range eight east, in the county of Benton, was read a second time and referred to the judiciary committee.

Engrossed bill from the House, to be entitled an act for the relief of Bridget O'Brien, was read a second time and referred to the committee on propositions and grievances.

A bill to be entitled an act to regulate the hawking and peddling of books and periodicals in this State, was read a second time and referred to the committee on propositions and grievances.

Joint resolutions declaring the Cashier of the State Bank to be Treasurer of the State, and providing for his election annually by joint vote of both Houses, was on motion, postponed until the fifteenth day of February next.

Mr. Phillips offered a substitute bill for a bill to be entitled an act the more effectually to prevent the selling of spirituous liquors to slaves, which was read a second time and ordered to a third reading.

Mr. Hudson moved to take from the table joint resolutions for the annexation of Texas to the United States, and place them among the orders of the day.

On motion of Mr. Yancey, the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, Tuesday Morning, January 2, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Winston presented the petition of sundry citizens of the counties of Sumter and Washington, praying for a new county; which was read and referred to the committee on county boundaries.

Mr. McClanahan presented the account of Joseph Allen, of Walker county; which was referred to the committee on accounts and claims.

Mr. McVay presented the account of Joshua D. Stamps, of Lauderdale county; which was referred to the committee on accounts and claims.

Mr. Yancey, from the committee on the Penitentiary, to whom was referred a resolution to inquire and report to the Senate whether or not convicts in the Penitentiary had been allowed to write letters to members of the General Assembly, requesting them to vote for the re-election of the present Warden of that institution, and to require the chairman to write to the Warden upon that subject, reported, that the committee have performed the duty assigned them, and ask leave to report:

That the warden of the Penitentiary, William Hogan, has replied to the letter of the Chairman, under date of the twenty-sixth December, saying that all letters, both to and from the convicts have passed under his supervision, as required by law; that, as he kept no copy of letters written by them, he is unable to state their contents; but thinks it probable that letters may have been written, desiring that the warden and officers of the institution "might be continued in office," as will more fully appear by his letter herewith submitted.

The chairman of the committee also addressed letters to the Hon. John Segar, representative from the county of Russell, and the Hon. James M. Morris and A. Harris, representatives from the county of Fayette, requesting to know if they or either of them have received letters from any of the convicts requesting the re-election of the present warden.

The letters of these gentlemen in reply, stating that they have received such letters, are herewith submitted with this report.

The committee have also instructed me to report that without desiring to cast censure upon the warden of the Penitentiary, or the motives which may have influenced him in permitting such correspondence, they deem it their duty to say that it is palpably improper that convicted felons in the State Penitentiary should be permitted to address members of the General Assembly as to the propriety or impropriety of their electing certain individuals to fill the offices of that institution; that the convicts are presumed in law to be under duress, and that their opinions therefore are entitled to no weight either for or against the officers placed over them by law. The law has made ample provision for the annual investigation of the Penitentiary, and of the manner in which its officers discharge their duty.

The Governor is required to make an annual visit for that purpose. It is also made the duty of the Inspectors to report to the Governor forthwith any violation of law or omission of duty by the warden, and the advice of any of the convicts upon any of these points is therefore deemed as superfluous as improper.

[Signed,]

W. L. YANCEY, *Chairman.*

The question being on concurring in the report of the committee.

The yeas and nays being demanded, there were yeas 11, nays 19.

The Senate refused to concur in the report.

Those voting in the affirmative, are Messrs. President, Bishop, Brindley, Burney, Fleming, Hudson, McVay, Oliver, Toulmin, Walker of B. Watkins, and Yancey—11.

In the negative, Messrs. Arrington, Creagh, Dent, Foster, Hardaway, Kelly, King, McAlpin, McClanahan, Moores, Phillips, Reese, Ross, Walker of L. Walthall, Ward, Watrous, Wilson, and Winston—19.

The report of the committee on education, to whom was referred joint resolutions asking of Congress the application of the two and three per cent. fund to be applied in aid of the sixteenth section fund,

for the establishment of primary schools, being the special order of the day.

Mr. Walker of L. introduced the following minority report, as a substitute:

Minority report of the committee on education on the subject of the two and three per cent. fund.

The undersigned, a member of the committee on education, to whom was referred joint resolutions instructing our Senators and requesting our Representatives in Congress, to use their best exertions to effect the passage of a law authorizing the Legislature of this State, to apply the "two and three per cent. funds," in aid of the establishment of primary schools, &c.

Standing alone in the committee, and entertaining views and opinions entirely at variance with the majority of the committee, on the important and interesting subject of the resolutions, feels himself constrained by a sense of duty, though he deeply regrets the necessity of claiming the right of submitting this minority report.

The act of Congress to enable the people of the Alabama Territory, to form a Constitution and State Government, provides that five per cent. of the net proceeds of the lands being within the said Territory, and which shall be sold by Congress, from and after the first day of September, in the year one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for making public roads, canals, and improving the navigation of rivers, of which, three-fifths shall be applied to those objects within the State, under the direction of the Legislature thereof, and two-fifths to the making of roads leading to the State, under the direction of Congress.

The three-fifths, of three per cent. fund, was, according to law, vested in the State Bank long since. The amount being something near five hundred thousand dollars, the interest of which, by the action of the Legislature, has been from time to time, appropriated to works of Internal Improvement, to which we may hereafter have occasion to allude.

The remaining two per cent. of this fund has been entirely inactive and unproductive, in the keeping of the General Government, a part at least, for a period of over twenty years, Congress never having seen fit to appropriate any part of it to the objects of its original design.

This fact mainly no doubt, determined the Congress of the United States, at the "called session," to tender it also to the State under certain restrictions, for works of Internal Improvement. This part of the five per cent. fund amounts to some three or four hundred thousand dollars, a portion of which, by an act of the last Legislature, was ordered to be vested in United States Treasury notes, which has been done, and is now on deposit in the Bank at this place; thus, the five per cent. fund, though originally divided and set apart for separate and distinct objects, has been, by subsequent legislation, merged into one

and the same general design of Internal Improvement, within the limits of this State.

The sixteenth section school fund arising from the sales of the same deposite in the Banks, and drawing interest of eight per cent. per annum amounts to eight hundred and twenty-two thousand four hundred forty dollars and seven cents. What proportion of the lands remain unsold, or its worth if disposed of, we have not the means of ascertaining, but supposed in connection with the other funds under consideration, we might make the aggregate of three millions as not varying materially from the amount.

It is not however, so much the object of the undersigned, to make a laborious statement of amounts, as to insist for a principle, and a policy directly in opposition to the majority of the committee on education, for each individual member of whom, we entertain the highest personal regard, and whose intelligence, experience and sagacity entitles their views to the grave consideration of the Senate and the country; yet a sense of his own obligation in the discharge of high and important public duty, compels him to enter his protest against their report, and to insist upon the passage of the joint resolutions, or such others having the same great and useful object in view, as the Senate may think fit to adopt.

The issue for decision is plainly and simply this: would it be the better policy for the State to continue to apply and appropriate these funds as now directed by the General Government to works of internal improvement, or have it applied to a higher and nobler grade of internal improvement—the *improvement of the minds and morals* of the needy and destitute children of our country. But we are told the Legislature has no right to direct these funds, they being donated to the State for specific and definite purposes. This is assuredly true, none but know and admit the fact; but that does not prove that Congress would not be entirely willing to surrender these funds to the State of Alabama for another purpose, and particularly that of educating the children of the country, if we memorialize her in a suitable and respectful manner on the subject, showing that this would be the most useful and profitable way to invest munificent donations.

Other considerations, growing out of the inadequacy of the funds to the completion of any great State enterprize, corresponding in benefits to the amount necessarily required in such investments, and of the great uncertainty that must ever exist of the Legislature being able under all the circumstances, of conflicting local interests, and numerous other influences, to select the proper and profitable objects for such appropriations.—If any entertain doubts sceptical on this subject, perhaps a recurrence to the legislation of the last five years, on this interesting enquiry of internal improvement, would serve to remove them. Look, for a moment, to the vast amounts which have been expended from year to year; thousands appropriated at almost every session of the Legislature, for the mis-called improvement of perhaps half the rivers and creeks in the State.—What corresponding benefits, we would most respectfully enquire, have

resulted? But one answer can be given, and that a general negative; none. In confirmation of this view of the subject, need we point to the sixty thousand appropriated to improve the navigation of the Coosa river, the twenty-five thousand dollars to the Tombigbee; the two thousand dollars to the Black Warrior; and ten thousand dollars to the Choctaw-hatchee? That is not all. Let Paint Rock and Elk rivers tell out on this subject to the sum of ten thousand dollars each.

In addition to the vast amount of public funds thus squandered and wasted, we might not in the connection improperly allude to the great expense necessarily attendant upon this branch of legislation, and the consumption of time thereby incurred; all of which, sound policy and justice require should be stopped; and if our experience on this has cost us so much without any equivalent good, and none will insist that essential benefits have resulted from our heretofore course on this subject, we would in all earnestness ask if common sense and equal justice does not require that we should change, or at least seek by the proper means to change our policy.

The subject of education, in all republican governments, should ever be regarded as of paramount consideration to all others; hence that provision in our State Constitution that says, "schools and the means of education shall forever be encouraged in this State." This is a part of the Constitution, that we as members of the General Assembly, are bound to support. Now let each individual for himself answer the question, how, under the peculiar embarrassing circumstances that surround us, can we more efficiently encourage the great cause of education, than to secure by memorializing Congress, the passage of a law authorizing the Legislature of the State to use the two and three per cent funds or either of them, in aid of the sixteenth section fund; which in process of time might to some extent educate a large portion of the destitute and orphan children of our State. Do we desire to see the wiles of the demagogue, the schemes of the traitorous, and the vices and follies of the designing leaders of factions, of which we hear so much of late, put down and exterminated from amongst us by the quiet and well directed voice of public opinion. We must afford, as far as practicable, the means of moral and intellectual culture.

It is true, that the more fortunate and provident are for the most part, able to educate their children independent of legislative aid, but there is in almost every community, a large portion of the population who are not so fortunately circumstanced, and who need the fostering care and protection of a parental government. 'Tis for such we would invoke the aid of the State. 'Tis a truth not disputed, that a decided majority of our population have neither the means nor opportunity of sharing the advantages of our higher schools, colleges and universities; they have to content themselves with what is usually denominated common school education, and beyond which many, yea, a large majority throughout the length and breadth of our country cannot reasonably expect to advance; yet do we not frequently see, rising up from amongst them, patriots, and statesmen—men, alike distinguished in all the useful relations of life,

ready and capable to direct the ship of State, to shoulder its burthens, or defend its institutions?

And if, as our Declaration of Rights declare, all political power is inherent in the people, and all free governments are founded on this authority, and instituted for their benefit, how vastly important is the diffusion of knowledge and intelligence amongst them, without distinction, whether they be in the mountains or valleys, in the north or south; for 'tis to the whole we must look, to sustain and perpetuate our republican institutions.

But lest we continue this report to an unwarrantable extent, the undersigned will here conclude the same by recommending the passage of the joint resolutions.

T. W. WALKER.

The question being on adopting the minority report, the Senate refused. The yeas and nays being demanded, there were yeas 10, nays 19.

Those who voted in the affirmative, are messrs. President, Arrington, Bishop, Brindley, Hudson, Kelley, McClanahan, McVay, Walker of L. Ward and Wilson—10.

In the negative, Messrs. Burney, Creagh, Dent, Fleming, Foster, Hardaway, King, Moores, Oliver, Phillips, Reese, Ross, Toulmin, Walthall, Watkins, Watrous, Winston and Yancey—19.

The question then occurring, being to concur in the report of the committee—which was, that it would be impolitic and inexpedient to divert the fund from its legitimate object; the yeas and nays being demanded, the report of the committee was concurred in—yeas 18, nays 13.

Those who voted in the affirmative, are messrs. Burney, Creagh, Dent, Foster, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Toulmin, Walthall, Watkins, Watrous, Winston and Yancey—18.

In the negative, Messrs. President, Arrington, Bishop, Brindley, Fleming, Hudson, Kelly, McClanahan, McVay, Walker of L. Ward and Wilson—13.

Mr. Toulmin introduced a bill to regulate elections by the President and Directors of the Bank of the State of Alabama, and the President and Directors of its Branches; was read the first time, and ordered to a second reading.

Mr. Ross introduced a bill to be entitled an act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section in township twelve, range five, in Wilcox county; which was read the first time, and ordered to a second reading.

Mr. Terry offered the following resolution:

Resolved by the Senate, That the State Bank committee be instructed to examine the commissioners report of the Bank of the State of Alabama and its several Branches, with the view of ascertaining whether each of said Boards of Presidents and Directors have paid any sum or sums of money to any lawyer or lawyers save the Bank Attorney. A construction of the law of the last legislature, in reference to said institutions, with instructions to report as soon as practicable to the Senate the result of their investigations; also, if they find that money has been paid to any

lawyer, to report whether the same has been paid in violation of law; which was adopted.

Mr. Toulmin introduced a bill to be entitled an act to repeal the first section of an act therein named, was read the first time, and ordered to a second reading.

Mr. Walthall introduced a bill to be entitled an act to amend the laws in relation to attachments; which was read the first time, the constitutional rule suspended, read a second time, and referred to the judiciary committee.

Mr. Yancey offered the following resolution, which was adopted:

Resolved, That the committee on military affairs be instructed to enquire into the expediency of blending the offices of Quarter Master General and Adjutant and Inspector General; and report forthwith by bill or otherwise.

Mr. Bishop introduced a bill to be entitled an act to regulate the Bank of the State of Alabama, so as to pay the interest on the State Bonds; which was read the first time, and ordered to a second reading.

The orders of the day being announced; engrossed bill to be entitled an act to amend the law in relation to dower:

Engrossed bill to be entitled an act to explain an act therein named:

Engrossed bill to be entitled an act to incorporate the town of Girard, in the county of Russell:

Engrossed bill to be entitled an act to restrict the corporate limits of the town of Allenton, in Wilcox county, and for other purposes:

Engrossed bill to be entitled an act to change the time of convening the General Assembly of the State of Alabama:

Engrossed bill to be entitled an act more effectually to prevent the selling of spirituous liquors to slaves; were severally read the third time and passed.

A bill to be entitled an act to repeal a certain act therein named, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act requiring petit jurors to be summoned to attend on the second days of the terms of courts of certain counties therein named, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to prescribe the duties and regulate the compensation of Bank Attorneys and for other purposes, was read a second time and referred to the State Bank committee.

A bill to be entitled an act to change the time of holding the circuit courts in the ninth judicial circuit, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to authorize James Nance to remove the settlement of the estates of Lundy Lee and Pleasant Lee from the county of Dallas to the county of Pickens, was read the second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to provide for the collection of Bank debts from non residents, was read a second time and referred to the State Bank committee.

Joint resolutions, for the annexation of Texas to the United States,

was read and postponed until Wednesday, the third inst, and made the special order of the day at eleven o'clock.

Joint resolutions conferring certain powers on the Governor in relation to the personal property belonging to the State Bank and its Branches, was read a second time and referred to the State Bank committee.

Mr. Fleming, from the select committee, to whom was referred a bill to be entitled an act to change the time of holding the February term of the commissioners' court of Cherokee, reported the same with an additional section, which was read and ordered to be engrossed.

Mr. Wilson moved that Mr. Foster be added as an additional member of the committee on inland navigation and internal improvement.

On motion of Mr. Hudson, five members were constituted a quorum on the State Bank committee,

On motion of Mr. Walker of B., five members were constituted a quorum on the judiciary committee.

On motion of Mr. Foster, the vote on convening the General Assembly was ordered to be reconsidered, and the reconsideration postponed until to-morrow, at twelve o'clock.

On motion of Mr. Phillips, the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, WEDNESDAY, January 3, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Dent presented the account of M. D. J. Slade for printing; which was referred to the committee on accounts and claims.

Mr. Creagh presented the petition of George W. Gaines, asking the rescission of a contract of sixteenth section, township eleven, range one west, in St. Stephens Land District, which was referred to the committee on education.

Mr. McVay, from the committee on propositions and grievances, to which was referred a bill to be entitled an act to regulate the hawking and peddling of books and periodicals in this State, have had the same under consideration, and have instructed me to report, that they have amended the same by striking out of the seventh section of the bill the words "seventh, eighth, ninth," and the word "the" in the seventh line, and insert in lieu thereof the words, "the amount shall be paid into the;" and thus amended recommended its passage.

The amendment of the committee was not concurred in, and an ordering the bill to be engrossed, the yeas and nays being demanded, there were yeas 15—nays 14.

The bill was ordered to be engrossed.

Those who voted in the affirmative, are messrs. Arrington, Bishop, Creagh, Hardaway, Kelly, King, McVay, Moores, Oliver, Phillips, Ross, Walker of B. Watkins, Watrous and Yancey.

In the negative, messrs. President, Brindley, Burney, Dent, Fleming, Foster, Hudson, Marchbanks, McAlpin, McClanahan, Toulmin, Walker of L. Ward and Wilson.

Mr. McVay, from the same committee, to whom was referred a memorial of the commissioners' court of roads and revenue of Lawrence county, reported a bill in accordance thereto, which was read the first time and ordered to a second reading.

Mr. McVay, from the same committee, to whom was referred a bill for the relief of Bridget O'Brien, reported the same back to the Senate and recommended its passage; which was read a second time and ordered to a third reading.

Mr. McVay, from the same committee, to whom was referred a bill for the relief of the tax collector of Madison county, reported that it was inexpedient to pass the same; in which report the Senate concurred.

Mr. Watkins, from the committee on education, to whom was referred the memorial of the Trustees of the University of Alabama, reported that the prayer of the memorialists is unreasonable and ought not to be allowed.

The report and memorial was laid on the table.

Mr. Walker of B. from the Judiciary committee, to whom was referred a bill to be entitled an act to incorporate a company for the manufacture of cotton and woolen goods, reported the same back to the Senate without amendment and recommended its passage.

The bill was read and placed among the orders of the day.

Mr. Brindley, from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act to authorize Wm. McGhee to open a certain road therein named and for other purposes, amended the same as herein shown, and thus amended recommended its passage.

Amendments—Strike out of the third line from the bottom of the first section, the words "for every man on foot, five cents," and in the last line of the first section, strike out "two" and insert "one."

The bill and amendments were read and ordered to be engrossed.

Mr. Brindley, from the same committee, to whom was referred the petition of Philip Lightfoot and others, praying that the said Philip Lightfoot be authorized to erect certain gates, reported a bill to be entitled an act to authorize Philip Lightfoot to erect gates on a certain road therein named; which was read the first time and ordered to a second reading.

Mr. Brindley, from the same committee, to whom was referred a bill to be entitled an act to confer upon the commissioners' courts of roads and revenue, power to regulate and determine the width of lanes of the second and third grades of roads, reported the same back to the Senate, without amendment, and recommended its passage.

Mr. Foster, from the committee on internal improvement and inland navigation, to whom was referred the charter of the Tennessee and Coosa Railroad Company, beg leave to report; that they consider the contemplated connection of the navigable waters of the Coosa river with those of the Tennessee, as an object of much importance, and one that must eventuate great permanent good to the State. A mountain region, ranging from east to west, entirely across the State, dividing

into two sections, whose interests have very little or nothing in common, an improvement which will unite those sections and give expeditions and cheap facilities of intercourse between the northern, middle and southern part of the State, has been an object very desirous, and would be an identity of interest and tend generally to its advancement and prosperity. The Railroad contemplated in this charter is designed to extend from some point near Gunter's Landing, at the great bend of the Tennessee river, to a point on the Coosa river, near the mouth of Wills' Creek, a distance of rail road of about thirty-five miles.

The route it now follows forms part of that heretofore surveyed for the Tennessee, Wetumpka and Selma Railroads, and is a link therefore in that important line of railway, which must ultimately unite the great valley of Tennessee with the Gulf of Mexico.

The propriety of granting the charter under consideration, consists in this—that the road will be short, of easy construction, and could be immediately used to great advantage in connection with improvements now in progress from the South Atlantic coast, to the valley of the Mississippi.

It is a work in which a large section of the State feels an immediate and warm interest. Its tendency will be to increase its wealth and resources by cheapening the necessities of life, rendering easy communication between remote points, opening markets for countries now almost entirely secluded from them, and bringing under cultivation large bodies of public lands.

In view thereof of these advantages, your committee consider this projected railroad, and an early construction of the same, as a matter calculated to advance, in a very great degree, the great and permanent interests of the State, and therefore recommend the passage of the bill.

[Signed,]

A. FOSTER.

The bill was placed among the orders of the day.

Mr. Walker, from the judiciary committee, to whom was referred a bill to be entitled an act to regulate damages on appeals and writs of error, reported the same inexpedient.

The hour of eleven o'clock having arrived, Mr. President announced the special order of the day, and no action taken on the above report.

The special order of the day being on reconsidering the vote on the bill for the withdrawal of the sixteenth section funds, &c., and on putting the question to reconsider, the yeas and nays being demanded, there were yeas 14, nays 18.

The Senate refused to reconsider the vote.

Those who voted in the affirmative, are Messrs. President, Arrington, Bishop, Brindley, Fleming, Foster, Hardaway, Hudson, Marchbanks, McVay, Walker of B. Watkins, and Wilson.

In the negative, Messrs. Burney, Creagh, Dent, Kelly, King, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Toulmin, Walker of L. Walthall, Ward, Watrous, Winston and Yancey.

A message from the House, inviting the Senate into the hall of the House for the purpose of electing a Warden of the Penitentiary, a Comptroller of Public Accounts, a State Treasurer, and a Trustee of the University for the Sixth Judicial Circuit.

The Senate forthwith repaired to the hall of the House, were seated, and Mr. President announced the object of the assembling of the two houses.

The two Houses then proceeded to the election of a Warden of the Penitentiary:

The names of *William Hogan, David E. Strong, Achilles Bradley, Joseph Arrington and William McKay*, being in nomination.

Those who voted for *Mr. Hogan*, are messrs. Creagh, Dent, Foster, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Ross, Walthall, Watrous and Watkin of the Senate; and messrs. Anderson, Banks, Barron, Bugbee, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of T. Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Segar, Snowden, Spruill, Storrs and Williams of H. of the House—42.

Those who voted for *Mr. Strong*, are messrs. Bishop, Reese, Walker of B. Ward and Yancey of the Senate, and messrs. Allen, Bryan, Calley, Clarke, Harris, Hefflin, Holstein, Jackson of A. Lankford, Martin, McGriff, McLemore, McLeod, Reid, Stringer, and Winston of the House—21.

Those who voted for *Mr. Bradley*, are messrs. President, Burney, Hudson, McClanahan, Toulmin, Walker of L. and Wilson of the Senate; and messrs. Speaker, Alexander, Campbell, Clancey, Davis of L. Douglass, Hill of B. Hubbard, Humphreys, Jones of F. McCartey, McMillion of B. Meriwether, Miree, Moore of B. Steele, Tate, Taylor, Troup and Williams of J. of the House—27.

Those who voted for *Mr. Arrington*, are messrs. Arrington, and Winston of the senate, and messrs. Alston, Baldwin, Huntington, Ports, Seruggs, Todd, Trawick, Turner, Webb, Whitsitt, and Witherspoon of the House—14.

Those who voted for *Mr. McKay*, are messrs. Brindley, Fleming, Kelly, Marchbanks, and McVay of the senate; and messrs. Aldridge, Calloway, Clemens, Cook, Evans, Fletcher, Franks, Frazier, Griffin, Hancock, McMillion of J. Moore of mad, Morris, Sandidge and Walker of the house—20.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a second time.

Those who voted for *Mr. Arrington*, are messrs. Arrington and Winston of the senate; and messrs. Alston, Baldwin, Huntington, Lang, Ports, Seruggs, Todd, Trawick, Turner, Webb, and Whitsitt of the house—14.

Those who voted for *Mr. Bradley*, are messrs. President, Brindley, Burney, Hudson, McClanahan, Toulmin, Walker of L. and Wilson of the senate; and messrs. Speaker, Aldridge, Alexander, Clancey, Davis of L. Douglass, Frazier, Hubbard, Humphreys, Jones of F. McMillion of B. Meriwether, Miree, Moore of B. Moore of M. Morris, Steele, Tate, Taylor, Troup and Williams of J. of the house—29.

Those who voted for *Mr. Hogan*, are messrs. Creagh, Dent, Foster, Hardaway, King, McAlpin, Moores, Oliver, Ross, Walthall, Watkins and Watrous of the senate; and messrs. Anderson, Banks, Barron, Bugbee, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B. Hill of T. Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Sandidge, Segar, Snowden, Spruill, Storrs, Williams of H. and Witherspoon of the house—45.

Those who voted for *Mr. McKay*, are messrs. Fleming, Kelly, Marchbanks and McVay of the senate; and messrs. Calloway, Campbell, Clemens, Cook, Evans, Fletcher, Franks, Griffin, Hancock, McCartey, McMillion of J. Sykes and Walker of the house—17.

Those who voted for *Mr. Strong*, are messrs. Bishop, Reese, Walker of B. Ward and Yancey of the senate; and messrs. Allen, Bryan, Caffey, Clarke, Harris, Hefflin, Holstein, Jackson of A. Lankford, Martin, McGriff, McLeod, McLemore, Reid, Stringer and Winston of the house—21.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time:

Those who voted for *Mr. Arrington*, are messrs. Arrington, and Winston of the senate; and messrs. Alston, Baldwin, Huntington, Lang, Portis, Scruggs, Todd, Trawick, Turner and Whitsitt of the house—12.

Those who voted for *Mr. Bradley*, are messrs. President, Brindley, Hudson, McClanahan, Toulmin and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Clancey, Davis of L. Douglass, Frazier, Hancock, Hubbard, Jones of F. McMillion of B. Miree, Moore of B. Moore of M. Morris, Reid, Steele, Tate, Taylor, Troup, and Williams of J. of the House—27.

Those who voted for *Mr. Hogan*, are messrs. Creagh, Dent, Foster, Hardaway, Kelly, King, McAlpin, Moores, Oliver, Phillips, Ross, Walthall, Ward, Watkins and Watrous of the Senate; and messrs. Anderson, Banks, Barker, Bugbee, Campbell, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B. Hill of T. Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Mudd, Morrisett, Nall, Oliver, Owens, Rose, Segar, Snowden, Spruill Webb, Williams of H. and Witherspoon of the House—47.

Those who voted for *Mr. McKay*, are messrs. Fleming, Marchbanks, and McVay of the senate; and messrs. Calloway, Clemens, Cook, Evans, Fletcher, Franks, Griffin, McCartey, McMillion of J. Sandidge, Sykes, and Walker of the house—15.

Those who voted for *Mr. Strong*, are messrs. Bishop, Reese, Walker of B. and Yancey of the senate; and messrs. Allen, Bryan, Caffey

Clarke, Harris, Hefflin, Hendrix, Holstein, Jackson of A. Lankford, Martin, McGriff, McLemore, McLeod, Stringer and Winston of the house.—20.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fourth time. The name of *Mr. Arrington* being withdrawn.

Those who voted for *Mr. Bradley*, are messrs. President, Brindley, Burney, Hudson, McClanahan, Toulmin, Walker of L. and Wilson of the Senate; and messrs. Speaker, Alexander, Clancey, Cook, Davis of L. Douglass, Frazier, Hancock, Hubbard, Humphreys, Huntington, Jones of F. Lang, McMillion of B. Meriwether, Miree, Moore of mad. Morris, Portis, Steele, Tate, Taylor, Todd, Troup, Turner, Whitsitt, and Williams of J. of the house—35.

Those who voted for *Mr. Hogan*, are messrs. Arrington, Creagh, Dent, Foster, Hardaway, Kelly, King, McAlpin, Moores, Oliver, Phillips, Ross, Walthall, Ward, Watrous and Watkins, of the senate; and messrs. Alston, Anderson, Baldwin, Banks, Barron, Bugbee, Campbell, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B. Hill of T. Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Segar, Snowden, Spruill, Storrs, Trawick, Webb, Williams of H. and Wither- spoon of the house—51.

Those who voted for *Mr. McKay*, are messrs. Fleming, Marchbanks, McVay and Yancey of the senate; and messrs. Aldridge, Calloway, Clemens, Fletcher, Franks, Griffin, McCarty, McMillion of J. Moore of B. Sandidge and Walker of the house—15.

Those who voted for *Mr. Strong*, are messrs. Bishop, Reese, and Walker of the Senate; and messrs. Allen, Bryan, Caffey, Clarke, Harris, Hefflin, Hendrix, Holstein, Jackson of A. Lankford, Martin, McGriff, McLemore, McLeod, Reid, Stringer and Winston of the house—20.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fifth time. The name of *Mr. McKay* having been withdrawn:

Those who voted for *Mr. Bradley*, are messrs. President, Brindley, Burney, Fleming, Hudson, Marchbanks, McClanahan, McVay, Toulmin, Walker of L. Winston and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Clancey, Cook, Davis of L. Douglass, Fletcher, Franks, Frazier, Griffin, Hancock, Hubbard, Humphreys, Huntington, Jones of F. McMillion of B. Meriwether, Miree, Moore of B. Moore of mad. Morris, Portis, Sandidge, Steele, Sykes, Tate, Taylor, Todd, Troup, Turner, Walker, Whitsitt, and Williams of J. of the House—46.

Those who voted for *Mr. Hogan*, are messrs. Arrington, Creagh, Dent, Hardaway, Kelly, King, McAlpin, Moores, Phillips, Ross, Walthall, Ward, Watkins and Watrous of the Senate; and messrs. Alston, Anderson, Baldwin, Banks, Barron, Bugbee, Bryan, Campbell, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B., Hill of T. Howard, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, McCarty, McMillion of J. Mitchell, Morrisett, Mudd,

Nall, Oliver, Owens, Rose, Segar, Snowden, Spruill, Storrs, Trawick, Webb, Williams of H. and Witherspoon of the house—54.

Those who voted for *Mr. Strong*, are messrs Bishop, Reese and Walker of B. of the senate; and messrs Allen, Caffey, Calloway, Clarke, Clemens, Harris, Hefflin, Hendrix, Holstein, Lang, Lankford, Martin, McGriff, McLemore, McLeod, Reid, Stringer and Winston of the house—21.

Neither having received a majority of the votes given, and the name of *Mr. Strong* being withdrawn, the two houses proceeded to ballot a sixth time,

Those who voted for *Mr. Bradley*, are messrs. President, Bishop, Brindley, Burney, Fleming, Hudson, Marchbanks, McClanahan, McVay, Toulmin, Walker of L. Wilson and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Caffey, Calloway, Clancey, Clarke, Clemens, Cook, Davis of L. Douglass, Evans, Fletcher, Franks, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Holstein, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, Martin, McCartey, McGriff, McLeod, McMillion of B. Meriwether, Miree, Moore of B. Moore of mad. Morris, Portis, Reid, Sandidge, Steele, Stringer, Sykes, Tate, Taylor, Todd, Troup, Turner, Walker, Whitsitt, Williams of J. and Winston of the house—66.

Those who voted for *Mr. Hogan*, are messrs. Arrington, Creagh, Dent, Foster, Hardaway, Kelly, King, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Walthall, Ward, Watkins, Watrous and Winston of of the senate; and messrs. Alston, Anderson, Baldwin, Banks, Barron, Bugbee, Bryan, Campbell, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B. Hill of T. Howard, Jackson of A. Jackson of B. J. D. Johnson, R. T. Johnston, McAlpin, McLemore, McMillion of J. Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Scruggs, Segar, Snowden, Spruill, Storrs, Trawick, Webb, Williams of H. and Witherspoon of the house—59.

Mr. Bradley having received a majority of the votes given, was declared by Mr. Speaker, duly elected Warden of the State Penitentiary, for the term prescribed by law.

The two houses then proceeded to the election of a Comptroller of Public Accounts.

The name of *J. C. Van Dyke* alone being in nomination.

Mr. Van Dyke having received one hundred and eleven votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected Comptroller of Public Accounts for the term prescribed by the constitution.

The two houses next proceeded to the election of a State Treasurer.

The names of *Baylor B. Barker* and *Samuel G. Frierson*, being in nomination.

Those who voted for *Mr. Barker*, are messrs. Arrington, Burney, Fleming, Hardaway, Phillips and Walker of L. of the Senate; and messrs Alston, Anderson, Baldwin, Campbell, Clemens, Cook, Davis of B. Dunn, Evans, Hale, Jones of F. McLemore, Moore of mad. Mudd,

Nall, Oliver, Owens, Scruggs, Snowden, Storrs, Turner, Walker, and Williams of H. of the house—29.

Those who voted for *Mr. Frierson*, are messrs President, Bishop, Brindley, Creagh, Dent, Foster, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Moores, Reese, Ross, Toulmin, Walker of B. Walthall, Ward, Wilson and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Banks, Banks, Barron, Caffey, Calloway, Clancey, Clarke, Cobb, Davis of L. Dear, Douglass, Drane, Fletcher, Franks, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of B., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCarty, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Morris, Morrisett, Portis, Reid, Sandidge, Segar, Spruill, Steele, Stringer, Sykes, Taylor, Todd, Troup, Webb, Whitsitt, Williams of J. Winston and Witherspoon of the house—63.

Mr. Frierson, having received a majority of all the votes given, *Mr. Speaker* declared him duly and constitutionally elected Treasurer of the State of Alabama for the term prescribed by the constitution.

The two houses next proceeded to elect a Trustee of the University for the Sixth Judicial Circuit.

The name of *John B. Hogan*, alone being in nomination, and he having received ninety-two votes, that being the whole number given, *Mr. Speaker* declared him duly and constitutionally elected Trustee of the University for the Sixth Judicial Circuit, for the term prescribed by law.

The Senate then withdrew to their chamber, and *Mr. President* resumed his seat.

Mr. Terry offered the following resolution:

Resolved, by the Senate, That the use of the Senate Chamber be and the same is hereby tendered to Henry N. Hudson, for the purpose of delivering a course of lectures on education, and also upon Shakespeare's works, commencing on the fourth instant, at half past six o'clock, P. M., until such time as the Senate may resolve to hold night sessions.

The resolution was adopted.

On motion of *Mr. Dent*, the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, THURSDAY, January 4, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read, amended, and approved.

Mr. Fleming presented the account of William R. Hunt, of the county of Madison; which was referred to the committee on accounts and claims.

Mr. Toulmin, from the State Bank committee, to whom was referred a bill to be entitled an act granting discretionary powers to the President and Directors of the State Bank and Branches, in certain cases, reported the same back to the Senate, and recommended its passage.

The bill was read a second time, and placed amongst the orders.

Mr. Toulmin, from the same committee, to whom was referred a bill to be entitled an act in relation to the compensation of Bank attorneys, approved fourteenth February, one thousand eight hundred and forty-three, and for other purposes, reported a bill as a substitute, and recommended its passage; which was read, and ordered to be engrossed.

Mr. Fleming, from the committee on military affairs, to whom was referred a resolution to inquire into the expediency of consolidating the offices of Quarter master general, and Adjutant and Inspector general, reported that there is no urgent necessity of uniting the two offices.

Your committee admit, that a small sum of money would be saved to the State by uniting them; but that they consider the two offices separate and distinct; and in time of war, one officer could not consistently discharge the duties of both: Therefore, they deem it inexpedient to consolidate the offices, and respectfully ask to be discharged from the further consideration of the subject.

In which report the Senate concurred, and the committee discharged.

Mr. Toulmin, from the State Bank committee, to whom was referred a bill to be entitled an act to prescribe the duties and compensation of Bank attorneys, and for other purposes, reported the same as inexpedient—the substance of this bill being embraced in other bills now before the Senate; in which the Senate concurred, and the committee discharged from the further consideration of the subject.

Mr. Hudson, from the committee on accounts and claims, to whom was referred the account of Thomas J. Harrell, of Chambers county, reported the same as not properly a State charge, but as for ex-officio services, and, therefore, ought not to be allowed; in which report the Senate concurred, and the account withdrawn by Mr. Reese.

Mr. Hudson, from the same committee, to whom was referred the account of Asa W. Allen, of Cherokee, for services rendered in surveying the county of Cherokee, reported the same back to the Senate, as being a county, and not a State charge, either in law or equity.

On concurring in the report of the committee, the yeas and nays being demanded, there were—yeas 19—nays 9.

The report of the committee was concurred in.

Those who voted in the affirmative, are messrs. President, Arrington, Burney, Creagh, Dent, Fleming, Hudson, Kelly, McAlpin, McClanahan, McVay, Reese, Ross, Toulmin, Walker of L., Ward, Watkins, Watrous, and Winston.

In the negative, messrs. Bishop, Brindley, Foster, Hardaway, King, Marchbanks, Phillips, Walthall and Wilson.

Mr. Marchbanks moved to take from the table a bill to be entitled an act to authorize the levy of a special tax in the county of Marion; which was done, and read a third time, and passed.

Mr. Walker, from the judiciary committee, to whom was referred a bill to be entitled an act for the relief of the administratrix of R. Williamson, deceased, reported a substitute for the original bill; which was read, and ordered to be engrossed.

Mr. King introduced a bill, to be entitled an act to provide more effect-

ually for the inspection of bagging and rope in the city of Mobile; was read the first time, and ordered to a second reading.

Mr. Toulmin introduced a bill, to be entitled an act to regulate the Register in Chancery at Mobile; was read the first time, and ordered to a second reading.

Mr. Oliver offered the following resolution:

Resolved, That the committee on the State Bank inquire into the propriety of compelling Bank marshals, attorneys, sheriffs, and other persons collecting money for the Bank and Branches of the State, to pay them over in fifteen days or sooner, after collection, and report the same by bill or otherwise.

The resolution was adopted.

Mr. McAlpin introduced a bill to authorize Jacob C. Jordan to remove the property of his infant daughter from the county of Marengo, in this State, to the State of Kentucky; which was read, and ordered to a second reading.

Mr. McAlpin introduced a bill, to be entitled an act explanatory of an act therein named; which was read the first time, and ordered to a second reading.

Mr. Hudson introduced a bill, to be entitled an act to regulate the fees of Registers in Chancery: read first time, and ordered to a second reading.

Mr. Bishop introduced a bill for the relief of Alexander Holton; which was read the first time, and ordered to a second reading.

Mr. Creagh, introduced a bill, to be entitled an act to repeal the first section of the fourteenth chapter of an act regulating punishment under the Penitentiary system; which was read the first time, and ordered to a second reading.

Mr. President announced the special order of the day, viz:

A memorial and joint resolution to the Congress of the United States on the subject of the annexation of Texas to that of the United States.

Resolved, That the committee on Federal relations be instructed to inquire into the expediency of annexing the Republic of Texas to the United States, and report the result of their deliberations to the Senate, by a memorial or otherwise, as soon as practicable.

The committee, to which was referred the above resolution, have had the subject under consideration, and beg leave to report the result of their deliberations, as follows:

The subject matter of the resolution, in the opinion of the committee, is one of momentous interest to the *Union at large*, and of vital importance to the Southwestern and Southern States; and is, besides, so intimately connected with the great interest of civil liberty, free government and social improvement, that it is confidently believed not only that it ought, but that it will, ultimately, if not immediately, arrest the attention, and command the respect of every enlightened statesman in the United States.

The proposition is nothing less than that of annexing one sovereign and independent State to another.

Such a consummation, devoutly as it to be wished, in the case under consideration, can only be accomplished in one of two ways. Either by way of conquest, waged by the stronger upon the weaker, or by pacific negotiation between the two sovereignties.

The former is no less inconsistent with the line of foreign policy, that has ever so honorably distinguished our National Government, than it is incompatible with the present advanced state of christian civilization.

The latter then, alone remains to us. Viewed in this light the committee have come to the conclusion, that inasmuch as the Republic of Texas is sovereign and independent, as much so in every sense as the Republic of the United States is acknowledged so to be, not only by the christian powers of Europe; but by our own deliberate recognition of her as one of the great family of nations, no other action on the subject falls legitimately within the scope of State legislation, than to recommend the adoption of such a policy by the National Government as shall result in a direct proposition from one of the sovereignties thus sought to be united, that the annexation may be effected.

Refraining from a sense of delicacy from any further enlargement upon a subject in which the committee are aware the public feel a deep and lively interest, leaving altogether out of view the great commercial interest involved in the subject, and which might be forever secured to the two republics by their peaceable and friendly union. The committee feel that they have discharged their duty in the manner submitted to them, and done all they can constitutionally do, in recommending to the Senate the following resolutions:

1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the annexation of the Republic of Texas to the United States as an integral portion of the Union, is a measure of such general interest to the people of the Union of such positive necessity to the welfare of the Southern and Southwestern States, as to demand the immediate and serious attention of the National Government.*

2. *And be it further resolved, That any interference upon the part of any foreign government with the question of slavery as it exists in Texas, is highly dangerous and unjustifiable, and should be viewed by the government of the United States, as indicative of a disposition on the part of such foreign power to effect the relation of master and slave in this Republic, with a design eventually, to effect the abolishment of slavery here.*

3. *And be it further resolved, That by the treaty of St. Il Defenso, the province of Louisiana, extending to the Perdido on the east and Rio Bravo on the west, and ceded by the government of Spain to that of France; that the present territory of Texas is included within that boundary, and that the treaty of Paris concluded on the thirtieth April, eighteen hundred and three, between France and the United States conveyed in full, the absolute sovereignty of all that province to the United States, to the same extent that it was held in the hands of Spain, and that it had when France possessed it.*

4. *And be it further resolved*, That by the said treaty of Paris, the United States ~~so firmly~~ stipulated to the government of France, and to the then and future inhabitants of said territory, to wit:

That the inhabitants of the ceded territory would be incorporated into the Union of the United States, as soon as possible, according to the principles of the Federal Constitution, in the employment of all the rights, advantages, and immunities of the citizens of the United States, and that in the meantime, they should be protected in the employment of the liberty, property, and religion they possess.

5. *And be it further resolved*, That the treaty of the United States with the government of Spain, signed at Washington, on the twenty-second February, eighteen hundred and nineteen, ceding that portion of Louisiana west of the Sabine, was in violation of the stipulation of the treaty of Paris, set out in the preceding resolution; and also, that provision of the Federal Constitution, which declares our territory and our people inalienable; and that therefore, the people of Texas now freed from the dominion of Spain, have a clear and indisputable right to demand admission into the Union as one of the sovereign States thereof, whenever its population shall reach the requisite number, and that in the meantime, its population have a right to demand of the United States, the protection which is due to a territorial government.

6. *And be it further resolved by the authority aforesaid*, That our Senators in Congress are hereby instructed and our Representatives requested to be active and vigilant in the use of all such means, as to them shall be deemed most expedient for effecting this object.

7. *And be it further resolved*, That the Governor be instructed to transmit a copy of these joint resolutions to each of our Senators and Representatives in Congress.

Mr. Hudson moved to strike out the third, fourth, and fifth resolutions.

The yeas and nays being demanded, there were yeas 14, nays 17:

The Senate refused to strike out.

Those who voted in the affirmative, are messrs. Arrington, Hardaway, Hudson, Kelly, King, McAlpin, McClanahan, Moores, Oliver, Phillips, Reese, Walker of L. Watrous and Winston.

In the negative, are messrs. President, Bishop, Brindley, Burney, Creagh, Dent, Fleming, Foster, McVay, Ross, Toulmin, Walker of B. Walthall, Ward, Watkins, Wilson and Yancey.

The question was then put on the adoption of the preamble and resolutions, and they were adopted.

Mr. Moores made a motion for the Senate to adjourn.

The yeas and nays being demanded, there were yeas 12, nays 16:

The Senate refused to adjourn.

Those who voted in the affirmative, are messrs. Arrington, Brindley, Burney, Creagh, Foster, Hardaway, King, McAlpin, Moores, Phillips, Walthall, Watkins, Watrous, Winston and Yancey.

In the negative, are messrs. President, Bishop, Dent, Fleming, Hud-

son, Kelly, McClanahan, McVay, Oliver, Reese, Ross, Toulmin, Walker of B. Walker of L. Ward and Wilson.

A bill to regulate conjugal rights as regards property, being the next special order of the day was, on motion of Mr. Walker of L. postponed until Saturday, thirteenth instant—yeas 15, nays 14:

Those who voted in the affirmative, are messrs. Bishop, Burney, Creagh, Dent, Kelly, King, McAlpin, McClanahan, Moores, Reese, Walker of B. Walker of L. Watkins, Watrous and Winston.

In the negative, are messrs. President, Brindley, Fleming, Foster, Hardaway, Hudson, McVay, Oliver, Ross, Toulmin, Walthall, Ward, Wilson and Yancey.

On motion of Mr. Walker of L. the Senate adjourned until to-morrow morning, ten o'clock.

SENATE CHAMBER, Friday Morning, January 5th, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Wilson presented the account of Wm. J. Green, jailer of Jackson county; which was referred to the committee accounts and claims.

Mr. Phillips presented the account of Thomas J. Frow, of Dallas; which was referred to the committee on accounts and claims

Mr. Yancey pre-ented the petition of Samuel S. Graham, of Coosa county, in relation to patrols; which was referred to the judiciary committee.

Mr. Toulmin presented the petition of Bull & Files, of Mobile, for compensation of a slave executed; which was referred to the committee on accounts and claims.

Mr. Toulmin presented the petition of the Stockholders of the Planters' and Merchants' Bank of Mobile; which was referred to the committee on the judiciary.

Mr. Winston, from the judiciary committee, to whom was referred a bill from the House of Representatives, entitled an act for the relief of the citizens of township fifteen, range eight, east, in the county of Benton, reported the same amended, and thus amended, recommended its passage.

The bill and amendment were read the second time and ordered to a third reading.

Mr. Reese, from the judiciary committee, to whom was referred a bill to change the time of holding the circuit court in the ninth judicial circuit, reported the same back to the Senate, and recommended its passage.

Concurred in.

Mr. Walker, from the judiciary committee, to whom was referred a bill to be entitled an act to compel holders of jury tickets to have them registered by the county Treasurer by a certain time, reported the same as inexpedient.

In which report the Senate concurred.

Mr. Yancey, from the committee on the Penitentiary, made the following report; which was read the first time and ordered to a second reading:

The committee upon the State Penitentiary, to whom was referred the report of the Warden of the Penitentiary, have had the same under consideration, and ask leave to report, that the facts and estimates set forth in the report of the Warden, upon the subject of the manufacture of bagging and rope from cotton and hemp, are not sufficiently explicit or satisfactory in their opinion, to authorize the State to embark in so expensive an undertaking.

The committee are nevertheless, of opinion that the subject is of sufficient importance and general interest to demand the attention of the General Assembly, and with a view to requiring an accurate and minute investigation of the subject, as of the cost to the State of every species of manufacture now carried on in the Penitentiary, the committee have instructed me to report the following joint resolutions, and recommend their passage:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Inspectors of the State Penitentiary be required to ascertain by correspondence from such sources as will be most likely to afford correct information; the amount, kind and cost of any additional buildings, if any, necessary and proper to be used in the Penitentiary for the manufacture of rope and bagging from cotton and hemp, or from either separately; also the number of convicts necessary to be employed at the machinery for the manufacture of either cotton or hemp into the above articles.

Resolved further, That the Inspectors be required to ascertain the exact cost to the State of the manufacture of each and every species of manufacture now carried on in the Penitentiary.

Resolved further, That the Inspectors be required to report to the next General Assembly fully and in detail the result of their inquiries upon the subjects contained in the foregoing resolutions, and that they accompany their report with such correspondence as they may have had in reference to the subject.

Mr. Yancey, from the same committee, made the following report:

The Committee on the State Penitentiary, to whom was referred the report of the Inspectors of the Penitentiary, have had the same under consideration, and have instructed me to report—that in their opinion the punishment now prescribed by law, according to the recommendation of the inspectors, should be so altered as to allow, when the modes now prescribed by law, for punishment shall fail of producing the desired effect, such punishment as in the discretion of the warden, physicians and inspectors may seem proper, whipping being at all times excluded.

The committee are also of opinion that the recommendation of the physicians and inspectors in relation to the doors of the cells, should be complied with; the present doors excluding light, and having but a

small aperture but about six inches square near the top for the admission of air.

The committee have also had under consideration the financial condition of the institution. From the statement submitted by the inspectors, it appears that the Penitentiary has been run in debt to the amount of four thousand nine hundred and thirty-five dollars and thirty-five cents, and that it has given a credit for articles sold to the amount of three thousand and seventy-one dollars and seven cents.

The committee are of opinion that the institution should be conducted upon cash principles—that the General Assembly is considered the best judge of the amount of money necessary for the proper conducting of its affairs; and that when it makes an appropriation, those having charge of the institution should be restricted in their expenditures to that amount, and to such cash as may be collected by the institution on account of manufactured articles sold by it; also that a system of indiscriminate credit for articles so sold, must eventually result in a considerable loss to the State, as well as inconvenience in collecting even such debts as may be deemed good. To carry into effect the views introduced in the above report, the committee have instructed me to report the following joint resolutions, and recommend their passage:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in all cases in which the punishment now provided in the seventy-second section of the twelfth chapter of the penal code, shall fail in the opinion of the warden, or be insufficient to prevent a convict in the State Penitentiary from violating or infringing any of the rules or regulations of the Penitentiary, then and in that event such punishment may be inflicted upon such convict, as in the opinion of the warden, the physician to the penitentiary and inspectors, or a majority of them, shall be deemed most advisable; provided, that in no case whipping shall be allowed.

Resolved further, That hereafter it shall not be lawful for the warden or any of the officers of the Penitentiary to contract any debt or debts to be discharged by the State, but all the necessary expenses of that institution shall be paid in cash at the time of the contracting thereof, out of the proceeds of the income of the Penitentiary, or the appropriations made therefor by the General Assembly of this State, and that no contract or agreement made contrary to the true meaning and intent of this joint resolution, shall be chargeable upon or paid by the State.

Resolved further, That from and after the passage of these joint resolutions, that no articles or article manufactured in the State Penitentiary shall be sold, except the same shall be for cash, paid on the delivery of such article or articles.

Resolved further, That the warden and inspectors be, and are hereby authorized to replace the present wooden doors of the cells occupied by the convicts in the State Penitentiary with grated iron doors, provided that such grated iron doors shall be made by the labor of the convicts in said institution; which was read the first time, and ordered to a second reading.

Mr. Toulmin, from the State Bank committee, to whom was recommended joint resolutions creating a Board of Control for the Bank of the State of Alabama and the several Branches thereof, together with a substitute offered for the same, have had the subject under consideration, and have instructed me to report, that it is inexpedient to adopt the substitute; and they have amended the original resolution by way of a proviso, as therein shown, and thus amended, recommend its adoption.

Mr. King offered an amendment, which was adopted.

The resolutions as amended being read, and on ordering them to be engrossed, the yeas and nays were demanded, and there were yeas 21, nays 12.

The joint resolutions were ordered to be engrossed.

Those who voted in the affirmative, are Messrs. Arrington, Bishop, Burney, Creagh, Dent, Dougherty, Foster, Hardaway, King, McAlpin, Phillips, Reese, Ross, Toulmin, Walker of B. Walthall, Ward, Watkins, Winston and Yancey.

In the negative, Messrs. President, Brindley, Fleming, Hudson, Kelly, Marchbanks, McClanahan, McVay, Moores, Oliver, Walker of L. and Wilson.

Mr. Toulmin, from the same committee, to whom was referred joint resolutions conferring certain powers on the Governor in relation to the personal property belonging to the State Bank and Branches, have had the same under consideration, and have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

The bill was placed amongst the orders of the day.

Mr. Watkins, from the select committee, to whom was referred a bill entitled an act to change the boundary line between the counties of Benton and Talladega, reported the same back as inexpedient, as it will open the door for interminable local legislation.

On motion of Mr. Bishop, the report and bill was laid on the table.

Mr. Fleming, from the committee on military affairs, to whom was referred a bill to be entitled an act to authorize brigade encampments in the sixth brigade of the militia of this State, reported the same back to the Senate, and recommended its passage.

The report was concurred in, and the bill placed amongst the orders.

Mr. Walker of B. introduced a bill to be entitled an act to fix the time of holding the circuit courts in the fifth judicial circuit; was read the first time and ordered to a second reading.

Mr. Terry offered the following resolutions, which were adopted :

Whereas, it has been the practice of all civilized Governments from time immemorial to celebrate in some appropriate manner the returning anniversary of heroic military exploits; and whereas the victory achieved on the Eighth of January, eighteen hundred and fifteen, on the plains of New Orleans, by the intrepidity, valor, coolness and generalship of

Andrew Jackson, aided by the indomitable bravery of his officers and men, is justly entitled to be classed amongst the most brilliant victories ever achieved in this or any other country, therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Door-keepers to each House make suitable preparations, and on the night of the eighth inst., illuminate the entire capitol in that mode which is in their opinion best calculated to carry out this resolution.

Mr. Marchbanks introduced a bill to be entitled an act for the relief of Mary E. Montgomery; which was read the first time, and ordered to a second reading.

Mr. Moores moved to reconsider the vote taken on yesterday on the bill relating to the conjugal rights, &c.; on the reconsideration the yeas and nays were demanded—there were yeas 17, nays 16.

The motion to reconsider prevailed.

Those who voted in the affirmative, are Messrs. President, Bishop, Burney, Dougherty, Fleming, Foster, Hardaway, McVay, Moores, Oliver, Phillips, Ross, Toulmin, Walthall, Ward, Wilson, and Yancey.

In the negative, are Messrs. Arrington, Brindley, Creagh, Dent, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Reese, Walker of B. Walker of L. Watkins, Watrous and Winston.

A motion to postpone until the fourteenth instant was lost—yeas 13, nays 19.

In the affirmative, are Messrs. Arrington, Brindley, Creagh, Hudson, Kelly, Marchbanks, McAlpin, McClanahan, Reese, Walker of B. Walker of L. Watrous and Winston.

In the negative, Messrs. President, Bishop, Dent, Dougherty, Fleming, Foster, Hardaway, King, McVay, Moores, Oliver, Phillips, Ross, Toulmin, Walthall, Ward, Watkins, Wilson and Yancey.

The report and bill was postponed until Monday next, the eighth, at three o'clock, P. M.

Mr. Bishop introduced a bill to be entitled an act to rescind a certain contract for the purchase of a part of section sixteen, township nineteen, range three east, in Talladega county; was read, and on motion, the constitutional rule suspended, read a second and third times, and passed.

Mr. Ross, from the committee on enrolled bills, reported as correctly enrolled, an act for the support of paupers in the county of Butler.

A message from the House of Representatives, for going into an election of Adjutant and Inspector General and Quartermaster General, this evening, at half past six o'clock, was taken up; and, on motion, was laid on the table.

The yeas and nays being demanded, there were yeas 17, nays 16.

Those who voted in the affirmative, are Messrs. Arrington, Burney, Dent, Fleming, Foster, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Walker of L. Walthall, Ward and Watrous.

In the negative, Messrs. President, Bishop, Brindley, Creagh, Dougherty, Hudson, Kelly, McClanahan, McVay, Toulmin, Walker of B. Watkins, Wilson, Winston and Yancey.

Mr. Brindley presented the following protest:

The State of Alabama has become Trustee for more than eight hundred thousand dollars, the proceeds of sales of certain sixteenth sections. By an act of the Legislature the said funds have been placed in the Bank of the State and Branches. Much of said funds have for years past been banked upon as other capital. The Banks have lost much, and show a frightful aggregate deficit, and of course must have lost a due proportion of said sixteenth section fund, which is now a debt of the State, and must be paid with the State funds, even if it has to be raised by a direct tax levied upon the whole people, and certainly it would be on the ad valorem principle. The General Government granted originally to the citizens of each township in perpetuity every sixteenth section, some are valuable and others valueless. The consequence is, that the citizens of of some townships receive all the profits, which is the interest on the amount of the sale of the sixteenth section to schools; and others, where the sixteenth section is valueless receive none. The consequence is, that the inhabitants of townships where the sixteenth section is valueless, as well as where they are valuable, must be taxed to make up the deficit to pay the interest and to pay the cost of banking upon said fund. Although the deficit has already occurred, and although if the fund should now be withdrawn or reinvested, and of course the interest on the amount refunded to said townships would cease to be paid, or payable to the Bank and Branches; yet inasmuch as no less than the whole people will be equally bound for the further deficit, if any there should be, to be disbursed unequally, it cannot be fair to retain the fund and continue to pay bank officers for collecting and disbursing the interest of said fund at the expense of the whole people, they too continuing security for the safe keeping of the whole fund for the benefit of the few.

Therefore, availing myself of my constitutional privileges, I respectfully ask that this my protest against the course pursued by the Senate refusing to pass any law to remedy the above evils, and especially for refusing to reconsider their vote and pass into a law the following substitute proposed by me, to wit:

"That the commissioners of the sixteenth sections, the whole or any part of which may hereafter have been sold shall forthwith apply to the proper Bank or Branch Bank in which the notes of purchase or proceeds of sale may have been deposited, and procure the same note or notes, or other notes, to the amount as nearly as may be owing to said Bank or Branch by any person or persons of the proper county, such person or persons being solvent, and if the said commissioners cannot collect such note or notes to the precise amount, the said Bank or Branch, as the case may be, shall pay the residue on their notes; and such note or notes shall be obtained and reinvested in lands entirely unincumbered, in perpetuity to be held by the inhabitants of such township, in the same manner as was the sixteenth sections previous to the sale there-

of, under such rules and regulations as may be prescribed by the Governor, whose duty it shall be to prescribe such rules or regulations as may be necessary to carry into effect the true intent and meaning of this act: *Provided*, that the above funds shall not be vested in lands intrinsically worth less than the sixteenth sections so sold as aforesaid."

SEC. 2. *And be it further enacted*, That all laws authorizing the sale of sixteenth sections be and are hereby repealed.

(Signed,)

MACE T. B. BRINDLEY.

January 3, 1844.

Engrossed bill from the House, to be entitled an act to attach a portion of the eighteenth regiment in Tuscaloosa county to the seventeenth regiment, was read and ordered to a second reading.

Mr. Terry offered a preamble and joint resolutions, in regard to the liberation of Amos Kendall, late Post Master General.

Mr. Terry moved to lay them on the table and print one hundred and thirty three copies, which was lost: Yeas 3, nays 28.

In the affirmative, are messrs. President, Brindley and McVay.

In the negative, messrs. Arrington, Burney, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, Kelly, King, Machbanks, McAlpin, McClanahan, Moores, Oliver, Phillips, Reese, Ross, Toulmin, Walker of B. Walker of L. Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yancey.

Mr. Terry moved a reconsideration of the vote to lay on the table. Yeas 17, nays 16.

In the affirmative, messrs. President, Bishop, Brindley, Creagh, Fleming, Foster, Hudson, Kelly, Marchbanks, McVay, Toulmin, Walker of B. Walthall, Watkins, Wilson, Winston and Yancey.

The vote reconsidered, the question being on adopting the preamble and resolutions, and before the question was put.

On motion of Mr. Hudson, the Senate adjourned until three o'clock, P. M.

AFTERNOON SESSION, 3 o'clock, P. M.

The preamble and resolutions offered by Mr. Terry being under consideration at the time of adjournment was resumed, and on the question of adoption, the yeas and nays being demanded, there were yeas 16, nays 14.

The preamble and resolutions were adopted.

Those who voted in the affirmative, are messrs. President, Bishop, Brindley, Creagh, Fleming, Foster, Hudson, Kelly, McClanahan, McVay, Toulmin, Walker of B. Walthall, Wilson, Winston, and Yancey.

In the negative, are messrs. Arrington, Burney, Dent, Dougherty, Hardaway, King, McAlpin, Oliver, Phillips, Reese, Ross, Ward, Watkins and Watrous.

Whereas, Amos Kendall, late Post Master General of the United States of America is now held in arrest on execution upon a judgment recovered against him by messrs Stockton and Stokes for damages alleged-

ed by them to have been sustained from the official conduct of Mr. Kendall, and is confined within the Jail limits of the City of Washington, suffering inconvenience and hardship from that which we believe to have been a faithful and conscientious discharge of his duty in a high and responsible office, which he filled with credit to himself and benefit to his country, evincing in the very act for which he now suffers incarceration, a scrupulous regard for the rights and interests of the people which ought rather to have been rewarded with public honors, than visited with legal pains and penalties.

And whereas, we believe it to be incompatible with the elevated dignity of our federal government, repugnant to justice, and the principles of enlightened policy, that Mr. Kendall should be held to the satisfaction of this writ of execution from his own means, or that he should be deprived of his personal liberty for his inability so to do.

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators be instructed and our Representatives in Congress be requested to use their earnest endeavors in such way as to them may seem most expedient, to have the said execution against Amos Kendall paid and discharged by an appropriation from the moneys in the treasury not otherwise appropriated, for that purpose, and thus have him restored to that personal liberty which is the glorious birthright of every son of this free republic.

Be it further resolved, by the authority aforesaid, That our Senators and Representatives in Congress are hereby also instructed and requested respectively to use their earnest endeavors to have Mr. Kendall remunerated from the Treasury for all loss or expense he may have incurred in defending the suit of Messrs. Stockton & Stokes against him, and all damages he may have sustained from his detention within the prison bounds.

Be it further resolved, That His Excellency the Governor is directed to have a copy of this preamble and resolution sent to each of our Senators and Representatives in Congress, and also to Mr. Kendall.

Mr. King, from the committee on inland navigation and inland improvement, to whom was referred so much of the Governor's message as relates to the two per cent fund have had the same under consideration, and it appears that the Cashier of the Bank of the State of Alabama did, in obedience to the joint resolutions of the last Senate of the Legislature, at as early a day as practicable, invest in the Treasury Notes of the United States, the first instalment of the two per cent fund relinquished to this State under certain restrictions by an act of Congress, and that said notes now cease to bear an interest, and that an agent of the Bank very recently invested the above Treasury Notes in five per cent stock of the United States, subject to the control of legislative authority. Your committee, believing that an investment of the Treasury Notes in the aforesaid United States stock is the best disposition of that fund that now can be made, have instructed me to report the following bill, and recommend its passage:

A bill to be entitled an act to authorize the investment of the United

States Treasury Notes, being a portion of the two per cent fund, in the United States stock, was read the first time, the rule suspended, read a second and third times forthwith, and passed—yeas 25, nays 5.

Mr. Dent introduced a bill to be entitled an act for the better security of vessels and property upon the waters of this State; which was read the first and second times, and referred to the judiciary committee.

Mr. Oliver introduced a bill to levy a tax in Montgomery county; which was read twice, and referred to a select committee of Messrs. Oliver, Watrous and Reese.

Mr. Dent presented the account of William Cochran; which was referred to the committee on accounts and claims.

Mr. Toulmin presented accounts of Charles Bancroft; which were referred to the committee on accounts and claims.

Mr. Brindley introduced a bill to be entitled an act explanatory of the laws prohibiting the sale of spirituous liquors by retail; read first time, and ordered to a second reading.

Mr. Winston introduced a bill to be entitled an act to change the time of holding the court in the third district and southern Chancery division, and for other purposes; read and ordered to a second reading.

Mr. Winston introduced a bill to be entitled an act to require an extra term of the court to be holden in the third district, and southern Chancery division, and for other purposes; read the first time, and ordered to a second reading.

Mr. Bishop introduced a bill to be entitled an act to repeal a certain act therein named; read a first time, and ordered to a second reading.

Mr. Walthall called from the table a bill to be entitled an act to amend the charter of the town of Marion, in Perry county; which was read and amended, and as amended, read and passed.

A special order on reconsidering the vote on the bill to change the time of convening the General Assembly; on the question to reconsider, the yeas and nays were demanded—yeas 10, nays 19.

The Senate refused to reconsider.

Those who voted in the affirmative, are Messrs. President, Brindley, Hudson, Marchbanks, McClanahan, McVay, Reese, Walker of B. Wilson and Winston.

In the negative, are Messrs. Arrington, Bishop, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, King, McAlpin, Phillips, Ross, Toulmin, Walthall, Ward, Watrous and Yancey.

The report of the committee on privileges and elections, with a bill to be entitled an act to abolish and establish certain election precincts, was recommitted to the same committee.

A bill to be entitled an act to repeal the fourth section of an act regulating the managements and expenses of the Banks, was on motion of Mr. Walthall, taken from the table. The question being on concurring in the report of the committee, and while under consideration, on motion of Mr. Watrous, the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, Saturday, January 6, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Wilson, from the committee on county boundaries, to which was referred the petition of Nathaniel Bradford, William F. Fontaine, and other citizens of Wilcox county, praying that a portion of said county be attached to the county of Clarke, reported the same as inexpedient, as it would reduce the county of Wilcox below the constitutional limits; in which report the Senate concurred.

Mr. Watkins, from the committee on education, to whom was referred a resolution to enquire into the propriety of authorizing the Governor to issue State Stock bearing — per cent interest, to the Trustees of the University of Alabama, reported the same as inexpedient to legislate on at this time, and asked to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee discharged.

Mr. Toulmin, from the State Bank committee, to whom was referred a resolution instructing the committee to enquire into the expediency of preparing a law authorizing the sale of the Tuscumbia, Courtland and Decatur rail road, reported a bill to be entitled an act authorizing the sale of the Tuscumbia, Courtland and Decatur rail road; which was read the first time, and ordered to a second reading.

Mr. King, from the committee on inland navigation and internal improvement, to whom was referred a bill to amend an act entitled an act to authorize a loan of a portion of the two per cent fund to the Montgomery and West Point rail road company, reported the same as inexpedient to pass.

On a motion to lay the report on the table, the yeas and nays were demanded—there were yeas 19, nays 13.

The report was laid on the table.

Those who voted in the affirmative, are Messrs. Arrington, Burney, Creagh, Dougherty, Foster, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Walker of B. Walthall, Ward, Watkins, Watrous and Wilson.

In the negative, Messrs. President, Bishop, Brindley, Dent, Fleming, Hudson, Kelly, Marchbanks, McClanahan, McVay, Toulmin, Walker of L. and Yancey.

The bill was then read a second time, and amended by Mr. King, the amendments concurred in, and on ordering the bill and amendments to be engrossed,

The yeas and nays were demanded, there were yeas 18, nays 14;

The bill and amendments were ordered to be engrossed.

Those who voted in the affirmative, are messrs. Arrington, Brindley, Burney, Creagh, Dougherty, Foster, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Walthall, Ward, Watkins and Watrous.

In the negative, are messrs. President, Bishop, Dent, Fleming, Hudson, Kelly, Marchbanks, McClanahan, McVay, Toulmin, Walker of B. Walker of L. Wilson and Yancey.

Mr. Watkins, from the committee on education, to which was referred the petition of G. W. Gaines, asking the rescission of a certain contract, reported a bill in accordance to the prayer of the petitioner; which was read the first time and ordered to a second reading.

Mr. Walthall, from the committee on privileges and elections, to whom was referred so much of the Governor's message as relates to election returns, reported a bill in accordance thereto:

A bill to be entitled an act in relation to election returns, was read the first time and ordered to a second reading.

Mr. Oliver, from the select committee, to whom was referred a bill to be entitled an act to levy a tax in Montgomery county, reported the same amended by inserting after "Montgomery county," Bibb and Chambers counties, and thus amended recommended its passage.

The amendments were adopted, and the bill ordered to be engrossed.

Mr. Walker of B introduced the following resolution:

Resolved, That the Secretary of the Senate be authorized to employ an Assistant Clerk in keeping up the Journals.

Which was adopted.

Mr. Yancey moved to withdraw from the House of the Representatives joint resolutions from the Senate, in the case of Amos Kendall, which passed the Senate on yesterday.

On the reconsideration of the above resolution, the Senate adjourned until three o'clock, P. M.

AFTERNOON SESSION, January 6th, 1844.

The Senate met pursuant to adjournment.

The subject under consideration when the Senate adjourned, viz: Mr. Yancey, resolution:-

Resolved, That the House of Representatives be respectfully requested to return to the Senate a joint memorial, relative to the imprisonment of Amos Kendall.

And after some time spent in discussion, Mr. Yancey asked leave to withdraw the resolution.

On the withdrawal of the resolution; Mr. Hudson demanded the yeas and nays:

Those who voted in the affirmative, are messrs. President, Bishop, Brindley, Dent, Foster, Hudson, Kelly, Marchbanks, McClanahan, McVay, Toulmin, Walker of B. Walker of L. Walthall, Wilson, and Yancey—17.

In the negative, are messrs. Arrington, Dougherty, Hardaway, King, and Watkins—5.

On motion of Mr. Winston, the Senate adjourned until ten o'clock, to-morrow morning.

SENATE CHAMBER, Monday, January 8th, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Creagh presented the petition of the citizens of Clarke county, in relation to the fee bill of certain officers; which was referred to the committee on the judiciary.

Mr. Walthall presented the petitions of the citizens of Livingston, of Sumter county, on changing the time of appointing apportioners and overseers on roads; which was referred to the committee on roads, bridges, and ferries.

Mr. Watkins, from the committee on education, to whom was referred a bill to be entitled an act for the relief of James Bennett and Thos. Granberry, reported that the laws now in force will afford the relief prayed for, and requested to be discharged from the further consideration of the same.

In which report the Senate concurred.

Mr. Yancey, from the committee on the Penitentiary, to whom was referred the report of the Inspectors of the Penitentiary, reported the following bill, viz:

A bill to be entitled an act to defray the expenses of the State Penitentiary for the year eighteen hundred and forty-four; which was read a first time and ordered to a second reading.

Mr. Yancey, from the committee on the Penitentiary, to whom was referred so much of the report of the Inspectors of the Penitentiary as refers to the erection of shops, reported the same as inexpedient at this time, and asked to be discharged from the further consideration of the same.

In which report the Senate concurred.

Mr. Yancey, from the committee on the Penitentiary, to whom was referred a bill to be entitled an act to provide for the appointment of a deputy Warden of the Penitentiary, reported the same back to the Senate without amendment and recommended its passage.

Mr. Watkins, from the committee on education, to whom was referred a bill to be entitled an act for the relief of Littleton Wynn, reported the same as inexpedient.

In which report the Senate concurred.

Mr. Toulmin, from the State Bank committee, to which was referred a resolution to examine the commissioners' report of the Bank of the State of Alabama and its several Branches, with a view of ascertaining whether either of said boards of Presidents and Directors have paid any sum or sums of money to any lawyer or lawyers save the Bank Attorney, for a construction of the law of the last Legislature in reference to said institutions, reported that the information sought to be obtained, is embraced in the printed reports now in possession of the Senators, and asked to be discharged from the further consideration of the subject.

And, on motion of Mr. Terry, said report and resolution was referred to the judiciary committee.

Mr. Walthall, from the committee on privileges and elections, to which was referred a bill to be entitled an act to establish and abolish certain election precincts therein named, reported the same back to the Senate with the following amendments, which were concurred in, viz:

After the word "Hall," insert "at the house of Daniel Haws;" in the first section of said bill, and at the end of said section, add "at the house of Jesse Roan, Morgan county," and "at B. E. Hagerty's mills, in the county of Montgomery," add to the end of the second section, ——— Stapleton, in the county of Tuscaloosa, at Mitchell's mills in the county of Montgomery, and at Peach Grove, in Morgan county.

Mr. Creagh offered the following amendment:

"At Carlton's Store house, and Po wel's Gin house, in the county of Clarke."

Mr. Dougherty offered the following amendment: "At House's Store, in the county of Macon."

Mr. Kelly offered the following amendment: "At the house of Elijah Seif, in Jefferson county."

The bill as amended, was read and ordered to be engrossed.

Mr. McClanahan offered the following preamble and resolution; which was adopted.

Whereas, the General Assembly at the called session of eighteen hundred and forty-one, under the then existing deranged state of the currency, did pass an act for the relief and benefit of the Bank of Mobile: and whereas, the act alluded to does materially alter the true intent and meaning of the original charter, by withdrawing that security which was originally intended to be thrown around said Bank charter; and whereas, the same causes do not now exist, that called for that amendment to the charter, and it is believed the public security demands a repeal of said amendatory act, of eighteen hundred and forty-one—therefore,

Resolved, That the committee on the State Bank and Branches be instructed to inquire into the facts connected with this subject, and that they have leave to report by bill or otherwise.

Mr. Walker of B. introduced the following, to wit:

An act for the relief of township sixteen, range seven east, in the county of Benton; which was read a first time, the constitutional rule suspended, read a second time, and referred to the judiciary committee.

Mr. Yancey moved to take from the table a message from the House of Representatives, of the fourth instant, proposing to go into the election of an Adjutant and Inspector General and a Quarter Master General, for the State of Alabama, and also a Judge of the county court for Monroe county, at three o'clock p. m. on this day; and, on his motion, the Senate concurred to go into the election this evening, at three o'clock, p. m. and the House was forthwith informed of the same.

Mr. Hardaway introduced the following preamble and resolutions:

Whereas, for a considerable distance the boundary between Alabama and Georgia is a line running up the western bank of the Chat-
ta-

hoochie river; and whereas, in consequence thereof, difficulties may occur, between the citizens of the aforesaid States—therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That upon any principles of justice and rational construction, it should be determined that the words “up the western bank of said river” mean nothing more or less than a line along the water’s edge, on the western bank, at common or low water mark.

And be it further resolved, That in case any controversy should arise between any of the citizens of Georgia and Alabama touching this matter, that His Excellency the Governor be and he is hereby authorized to employ able and efficient counsel to defend the rights of the citizens of Alabama, effected by such controversy.

Which were read a first time, the constitutional rule suspended, read a second time, and referred to the committee on the judiciary.

Mr. Winston introduced a bill to be entitled an act to amend the charter of the town of Gainesville, in Sumter county; which was read the first time, rule suspended, read a second time, rule further suspended, read a third time and passed.

Mr. Yancey introduced a bill to be entitled an act to authorize the citizens of Autauga county, to locate a seat of justice for said county; which was read a first time, the constitutional rule suspended, read a second time, rule further suspended, read a third time and passed.

Mr. Hardaway introduced a bill to be entitled an act for the benefit of the Military Academy at Eufaula; which was read a first time, the constitutional rule suspended, read a second time, and referred to the committee on military affairs.

Mr. Watrous introduced a bill to be entitled an act to amend an act entitled an act to run and mark out the line between the counties of Shelby and Jefferson; which was read a first time, the rule suspended, read a second time, and ordered to be engrossed.

Mr. Terry moved to take from the table the bill to be entitled an act to regulate the manner of advertising sheriffs’ and coroners’ sales of personal property in this State, on which the yeas and nays were demanded—yeas 19, nays 8.

The bill was ordered to be engrossed:

Those who voted in the affirmative, are Messrs. President, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, McVay, Oliver, Phillips, Reese, Toulmin, Walthall, Ward, Watkins and Yancey:

In the negative, Messrs. Bishop, Marchbanks, McAlpin, McClanahan, Moores, Walker of B. Wilson and Winston:

Mr. Walker of B. introduced a bill to be entitled an act to authorize the transfer of causes from the Orphans’ court to the Chancery court in certain cases; which was read the first time, the rule suspended, read a second time, rule further suspended, read a third time and passed.

Mr. Dougherty presented the petition of the citizens of township thir-

teen, range twenty-four, of Macon county; which was referred to the State Bank committee.

Mr. Watrous introduced a bill to be entitled an act to change the time of holding the county court of Shelby county; which was read a first time and ordered to a second reading.

Mr. Watrous introduced a bill to be entitled an act authorizing the rescission of sale of a certain contract of purchase of a part of the sixteenth section of township twenty-one, range two west, in Shelby county; which was read a first time, rule suspended, read a second time, rule further suspended, read a third time and passed.

Mr. President announced the orders of the day:

A bill to be entitled an act to regulate the damages upon appeals and writs of error.

Mr. Walker of B. offered the following amendment:

"Whenever the circuit or county courts shall, on appeal of writ of error to the Supreme Court be affirmed, five per cent. damages shall be allowed, and not more; *Provided*, that no damages shall be allowed in any cause in the Supreme Court, unless the judgment of the court below shall have been suspended."

The amendment was lost.

Mr. Reese offered the following amendment:

"*And provided further*, that in all cases of appeals or writs of error, the defendant below shall be required to furnish satisfactory proof that said appeal or writ of error was not taken up for delay, and that in all cases in which such proof is not furnished as herein required, damages shall be awarded;" which was lost.

The bill was then read a second time, and ordered to be engrossed.

A bill to be entitled an act to change the time of holding the circuit court in the ninth Judicial circuit, was read a second time, and ordered to be engrossed.

Engrossed bill to be entitled an act to repeal the act approved thirteenth February, eighteen hundred and forty-three, authorizing the appointment of brigade drill officers, was read a third time and lost.

Engrossed bill to be entitled an act to authorize James Nance to remove the settlement of the estates of Lundy Lee and Pleasant Lee from the county of Dallas to the county of Pickens.

Engrossed bill to be entitled an act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section in township twelve, range five, in Wilcox county, was read a third time, and passed.

Engrossed bill to be entitled an act to change the time of holding the commissioners' court in the counties of Cherokee and Madison, was read a third time and passed.

A bill to regulate elections by the Presidents and Directors of the Bank of the State of Alabama, and the President and Directors of the several Branches, was read a second time, and ordered to be engrossed.

A bill to be entitled an act to repeal the first section of an act therein named, was read a second time and referred to the committee on the judiciary, with instructions to report back to-morrow.

A bill to be entitled an act to regulate the Bank of the State of Alabama, so as to pay the interest on the State bonds, was read a second time, and referred to the State Bank committee.

Engrossed bill from the House of Representatives, entitled an act for the relief of Bridget O'Brien, was read a third time and passed.

A bill to be entitled an act to incorporate a company for the purpose of manufacturing cotton and woolen goods, was read a second time, and ordered to be engrossed.

A bill to be entitled an act to confer upon the commissioners' court of roads and revenue, power to regulate and determine the width of lanes of the second and third grades of roads, was read a third time and passed.

A bill to be entitled an act to incorporate the Tennessee and Coosa Railroad company.

Mr. McClanahan offered the following amendment :

Be it further enacted, That the individual property, both real and personal, of every description, of each and every stockholder in said corporation shall be liable for the payment of debts or liabilities of said company, in the same manner as if the said stockholders were partners in trade.

Mr. King called for the previous question.

The yeas and nays being demanded, there were yeas 15, nays 15.

The Senate refused to sustain the call.

Those who voted in the affirmative, are Messrs. President, Arrington, Bishop, Dent, Fleming, Foster, Hardaway, Hudson, King, Oliver, Phillips, Walker of B. Walthall, Watrous and Wilson.

In the negative, were Messrs. Brindley, Creagh, Dougherty, Kelly, Marchbanks, McAlpin, McClanahan, McVay, Moores, Reese, Toulmin, Walker of L. Ward, Winston and Yancey.

Mr. McClanahan's amendment to the bill being under consideration, before the question was put, the Senate adjourned until three o'clock, P. M.

AFTERNOON SESSION, January 8, 1844.

The Senate met in pursuance to adjournment.

A message from the House, inviting the Senate into the hall of the House for the purpose of going into the several elections set for this hour.

The Senate forthwith repaired to the hall of the house, and when seated, Mr. President announced the object of the two houses assembling.

First, to elect a Judge of the County Court of Monroe County.

The name of *Rufus C. Torrey* being alone in nomination and he having received the whole number of votes given, (one hundred and ten,) was by Mr. Speaker declared duly and constitutionally elected

Judge of the County Court of Monroe County, for the term prescribed by the constitution.

The two houses then proceeded to elect a Quarter Master General for the State of Alabama.

The names of *Carter R. Harrison*, *James H. Owen*, *James M. Norment* and *John Arnett*, being in nomination.

Those who voted for *Mr Arnett*, are messrs Foster, Kelly, Marchbanks of the senate, and messrs Allen, Clancey, Cook, Fletcher, Griffin, Hendrix, J. D. Johnson, R. T. Johnston, McCartey, McMillion of J. Reid, Segar, Whitsitt and Witherspoon of the House—18.

Those who voted for *Mr. Harrison*, are messrs. President, Creagh, Hudson, McClanahan, McVay, Wilson and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Bugbee, Caffey, Clarke, Cobb, Franks, Frazier, Hancock, Hill of B. Hill of T. Hubbard, Huntington, Martin, McMillion of B. Meriwether, Moore of mad. Rose, Sandidge, Troup, Williams of J. and Winston of the house—30.

Those who voted for *Mr. Norment*, are messrs. Arrington, Dent, Dougherty, Hardaway, King, Moores, Oliver, Phillips, and Watrous of the Senate; and messrs. Alston, Banks, Barron, Campbell, Davis of B. Dear, Drane, Dunn, Jackson of B. McLeod, Mitchell, Mudd, Nall, Spruill, Storrs; Trawick and Williams of H. of the house—26.

Those who voted for *Mr. Owen*, are messrs. Bishop, McAlpin, Reese, Toulmin, Walker of B. Watkins and Winston of the Senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Calloway, Clemens, Davis of L. Douglass, Evans, Garrett, Hefflin, Holstein, Howard, Humphreys, Jackson of A. Jones of F. Lankford, McAlpin, McGriff, McLemore, Miree, Moore of B. Morris, Morrisett, Owens, Portis, Scruggs, Snowden, Steele, Stringer, Tate, Taylor, Todd, Turner, Walker and Webb of the house—43.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a second time.

Those who voted for *Mr. Arnett*, are messrs. Foster, Marchbanks and Oliver of the senate; and messrs Allen, Clancey, Cook, Fletcher, Griffin, Harris, Hendrix, R. T. Johnston, McCartey, McMillion of J. Reid, Segar, Whitsitt and Witherspoon of the House—17.

Those who voted for *Mr. Harrison*, are messrs President, Creagh, Hudson, Kelly, McClanahan, McVay, Moores, Wilson, Winston and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Bugbee, Bryan, Clarke, Cobb, Franks, Frazier, Hancock, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Martin, McMillion of B. Meriwether, Moore of M. Norman, Rose, Sandidge, Todd, Troup, Williams of J. and Winston of the house—38.

Those who voted for *Mr. Norment*, are messrs Arrington, Dent, Dougherty, Hardaway, King, Phillips and Watrous of the senate; and messrs Alston, Baldwin, Banks, Barron, Campbell, Davis of B. Dear, Drane, Jackson of B., J. D. Johnson, McLemore, McLeod, Mitchell, Mudd, Nall, Oliver, Spruill, Storrs, Sykes, Trawick, and Williams of H. of the House—28.

Those who voted for *Mr. Owen*, are messrs Bishop, Fleming, McAlpin, Reese, Toulmin, Walker of B. and Watkins of the senate; and Anderson, Bridges, Caffey, Calloway, Clemens, Davis of L. Douglass, Dunn, Evans, Garrett, Hefflin, Holstein, Howard, Lankford, McAlpin, McGriff, Miree, Moore of B. Morris, Morrisett, Owens, Portis, Scruggs, Snowden, Steele, Stringer, Tate, Taylor, Turner, Walker and Webb of the house—38.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time. The name of *Mr. Arnett* being withdrawn.

Those who voted for *Mr. Harrison*, are messrs President, Brindley, Creagh, Foster, Hudson, Kelly, Marchbanks, McClanahan, McVay, Wilson, Winston and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bryan, Caffey, Clarke, Cobb, Franks, Frazier, Hancock, Harris, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Martin, McCarty, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of M. Norman, Rose, Sandidge, Steele, Sykes, Todd, Troup, Williams of J. Winston and Witherspoon of the House—48

Those who voted for *Mr. Norment*, are messrs. Arrington, Dent, Dougherty, Hardaway, King, McAlpin, Moores, Oliver, Phillips and Watrous of the senate; and messrs Banks, Barron, Campbell, Cook, Davis of B. Dear, Drane, Hendrix, Jackson of B., J. D. Johnson, R. T. Johnston, McLemore, McLeod, Mitchell, Nall, Oliver, Segar, Spruill, Storrs and Williams of H. of the house—30,

Those who voted for *Mr. Owen*, are messrs. Bishop, Fleming, Reese, Toulmin, Walker of B. Walthall and Watkins of the senate; and messrs. Alston, Anderson, Baldwin, Bridges, Bugbee, Calloway, Clancey, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Garrett, Griffin, Hefflin, Holstein, Howard, Lankford, McAlpin, McGriff, Miree, Morris, Morrisett, Mudd, Owens, Portis, Reid, Snowden, Stringer, Tate, Taylor, Turner, Walker, Webb, and Whitsitt of the house—43.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fourth time.

Those who voted for *Mr. Harrison*, are messrs. President, Brindley, Creagh, Foster, Hudson, Kelly, Marchbanks, McClanahan, McVay, Toulmin, Walthall, Watkins, Wilson, Winston and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Caffey, Clarke, Cobb, Franks, Frazier, Garrett, Hancock, Harris, Hendrix, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Lankford, Martin, McCarty, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of M. Norman, Rose, Sandidge, Spruill, Steele, Todd, Troup, Williams of J. and Winston of the house—54.

Those who voted for *Mr. Norment*, are messrs. Arrington, Dent, Dougherty, Fleming, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese, and Watrous of the senate; and messrs. Baldwin, Banks, Barron, Campbell, Davis of B. Dear, Jackson of B., R. T. Johnston,

McLemore, Mitchell, Mudd, Nall, Oliver, Segar, Storrs, Trawick, Williams of H. and Witherspoon of the house—30.

Those who voted for *Mr. Owen*, are messrs. Bishop, and Walker of B. of the senate; and messrs. Alston, Anderson, Bryan, Calloway, Clancey, Clemens, Davis of L. Douglass, Drane, Dunn, Evans, Fletcher, Garrett, Griffin, Hefflin, Holstein, Howard, J. D. Johnson, McAlpin, McGriff, McLeod, Miree, Morris, Morrisett, Owens, Portis, Reid, Scruggs, Snowden, Stringer, Tate, Taylor, Turner, Walker Webb, and Whitsitt, of the house—39.

Neither having received a majority of the votes given—the two houses proceeded to ballot a fifth time.

Those who voted for *Mr. Harrison*, are messrs. President, Bishop, Brindley, Creagh, Fleming, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Wal-
thall, Watkins, Wilson, Winston and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Caffey, Clarke, Cobb, Cook, Dear, Franks, Frazier, Hancock, Harris, Hendrix, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, Jones of R. J. D. Johnson, Lankford, Martin, McCartney, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Mudd, Norman, Rose, Sandidge, Spruill, Steele, Todd, Troup, Williams of J. and Winston of the house—62.

Those who voted for *Mr. Norment*, are messrs. Dent, Dougherty, Hardaway, McAlpin and Watrous of the senate; and messrs. Baldwin, Banks, Barron, Davis of B. McLemore, Nall, Oliver, Scruggs, Storrs, and Witherspoon of the house—16.

Those who voted for *Mr. Owen*, are messrs. Arrington, and Walker of B. of the senate; and messrs. Alston, Anderson, Bryan, Bugbee, Calloway, Clancey, Clemens, Davis of L. Douglass, Drane, Dunn, Evans, Fletcher, Garrett, Griffin, Hefflin, Holstein, Howard, Jackson of B., R. T. Johnston, McAlpin, McGriff, McLeod, Miree, Moore of B. Morris, Morrisett, Owens, Portis, Reid, Segar, Snowden, Stringer, Tate, Taylor, Trawick, Turner, Walker, Webb, Whitsitt and Williams of H. of the house—43.

Mr. Harrison having received a majority of all the votes given, Mr. Speaker, declared him duly elected Quarter Master General of the State of Alabama, for the term prescribed by law.

The two Houses next proceeded to elect an Adjutant and Inspector General.

The names of *James G. Carroll* and *James W. Lang* being in nomination.

Those who voted for *Mr. Carroll*, are messrs. President, Arrington, Dent, Dougherty, Fleming, Foster, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese and Watrous, of the Senate; and messrs. Alston, Anderson, Baldwin, Banks, Bugbee, Barron, Campbell, Davis of B. Dear, Drane, Garrett, Howard, Jackson of B., J. D. Johnson, R. T. Johnston, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Owens, Rose, Scruggs, Segar, Spruill, Webb, and Witherspoon of the house—42.

Those who voted for *Mr. Lang*, are messrs. Bishop, Creagh, Hudson, Kelly, Marchbanks, McClanahan, McVay, Toulmin, Walker of B. Walthall, Watkins, Wilson, Winston and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan, Caffey, Calloway, Clancey, Clarke, Clemens, Cook, Davis of L., Douglass, Dunn, Evans, Fletcher, Franks, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Lankford, Martin, McAlpin, McCarty, McGriff, McLemore McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Morris, Norman, Portis, Reid, Sandidge, Snowden, Steele, Stringer, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Whitsitt, Williams of H. Wilhams of J. and Winston of the house—78.

Mr. Lang having received a majority of the votes given, was declared by the Speaker duly elected Adjutant and Inspector General, for the term prescribed by law.

The Senate then withdrew to their chamber.

Mr. President resumed his seat. The subject under consideration at the time of adjournment was resumed.

Mr. McClanahan moved to amend further as follows:

Provided, That the said individual liabilities shall be enforced first on the President and Directors of said company; and *provided also*, That judgment shall be regularly obtained against said corporation, and execution issued and returned that no property of said corporation can be found to satisfy the same.

On concurring in the amendment, the yeas and nays were demanded, and there were yeas 12, nays 18.

Those who voted in the affirmative, are Messrs. Brindley, Creagh, Kelly, Marchbanks, McClanahan, McVay, Toulmin, Walker of B. Walker of L. Ward, Winston and Yancey.

Those who voted in the negative, are Messrs. President, Arrington, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, King, McAlpin, Moores, Oliver, Phillips, Reese, Walthall, Watrous and Wilson.

Mr. Creagh moved to take from the table an act authorizing James Nance to remove the settlement of the estates of Lundy Lee and Pleasant Lee from the county of Dallas to the county of Pickens, and offered an amendment, and the bill as amended, read and passed.

Mr. Walker moved to reconsider the vote taken on the bill authorizing the appointment of brigade drill officers; which was done, and the bill passed.

On motion of Mr. Yancey, the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, TUESDAY, January 9, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson, from the committee on accounts and claims, made the following report:

The committee on accounts and claims, to which was referred a bill to be entitled an act for the benefit of the estate of James Odell, deceased, reported that they had allowed to Elliott W. Hilliard, as administrator of the estate of the said James Odell, deceased, the sum of eighty-three dollars and sixty cents, to be reported in the general appropriation bill. The committee think it therefore necessary to pass the bill; in which report the Senate concurred, and the committee discharged.

Mr. Hudson, from the committee on accounts and claims, to which was referred the petition of J. D. Stamps, of Lauderdale county, asking the sum of nineteen dollars and forty cents, for services rendered in executing States process, &c., reported the same back to the Senate as not being a State charge, and ought not to be allowed; in which report the Senate concurred.

Mr. Hudson, from the committee on accounts and claims, to which was referred the petition of Platt Bull and Joseph F. Files, late co-partners under the name of Bull & Files, in the city of Mobile, asking full pay for a slave executed, reported that said slave was tried and executed after the penal code went into operation, which allows only one half of the valuation of slaves executed, which law is to be found in Clay's Digest, page four hundred and seventy-four, and that said Bull & Files was at the last session of the Legislature allowed the one half valuation of said slave. Your committee therefore are of opinion that the prayer of the petitioners ought not to be granted; in which report the Senate concurred.

Mr. Watkins, from the committee on education, to which was referred a bill to be entitled an act to change the mode of collecting and safe keeping monies due from purchasers of sixteenth sections in the several counties of this State, and for other purposes, reported that the main principle embraced in this bill has been already settled by a rejection of a similar one by the Senate, and asked to be discharged from the further consideration of the same; in which report the Senate concurred.

Mr. Fleming, from the military committee, to which was referred a bill to be entitled an act for the benefit of the military academy at Eufaula, reported the bill back to the Senate without amendment, and recommended its passage.

Mr. McClanahan, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, viz:

An act concerning the circuit courts of Dallas county:

An act to revive and continue in force an act entitled an act to authorize the commissioners court of Butler county to levy an additional tax:

An act to amend the charter of the marine rail-way and insurance company of Mobile:

Joint resolutions for the relief of Lorenzo Walker and his wife Pherba, of Fayette county.

Mr. Wilson, from the committee on county boundaries, to whom was referred the petition of sundry citizens of the counties of Washington and Sumter, praying the establishment of a new county, reported a bill granting the prayer of the petitioners, and recommended its passage.

On motion of Mr. Winston, the constitutional rule was suspended, the bill read a second time.

Mr. Creagh moved to strike out the part relating to Clarke county, and called for the yeas and nays, which were taken—yeas 14, nays 14.

Those who voted in the affirmative, are Messrs. President, Bishop, Creagh, Dougherty, Foster, Hudson, Marchbanks, McVay, Moores, Toulmin, Walker of B. Walthall, Watrous and Yancey.

Those who voted in the negative, are Messrs. Arrington, Burney, Dent, Hardaway, Kelly, King, McAlpin, McClanahan, Oliver, Phillips, Ward, Watkins, Wilson and Winston.

The Senate refused to strike out.

Mr. Hudson moved to recommit the bill to the committee on county boundaries; which was so referred.

Mr. Walker, from the committee on the judiciary, to which was referred the memorial of the stockholders of the Planters and Merchants Bank of Mobile, reported a bill and recommended its passage.

The bill was read the first time, rule suspended, read a second time, when Mr. McClanahan moved to strike out the fourth section, which was lost.

On ordering the bill to be engrossed, the yeas and nays were demanded—yeas 17, nays 11.

YEAS—Messrs. President, Arrington, Brindley, Creagh, Dougherty, Hardaway, Hudson, Kelly, King, McAlpin, Oliver, Reese, Toulmin, Walker of B. Walthall, Watkins and Yancey.

Those who voted in the negative, are messrs. Bishop, Burney, Dent, Fleming, Foster, McClanahan, McVay, Phillips, Walker of L. Ward and Wilson.

The bill was ordered to be engrossed.

Mr. Walker, from the judiciary committee, to which was referred a bill to be entitled an act for the better security of vessels and property upon the waters of this State, reported the bill back with the following amendments, to wit:

After the words "directed to any sheriff of the State of Alabama," in section one, sixteenth line, insert "or any other lawful officer." Also, after the words "Circuit Court," in the seventh line of section seven, insert "or county."

In which amendments the Senate concurred.

The constitutional rule suspended, the bill read a third time and passed.

Mr. Reese, from the judiciary committee, to whom was referred joint resolutions to amend the Constitution of the State of Alabama, reported the same as inexpedient and ought not to pass.

Mr. Fleming moved to disagree with the report of the committee—when

Mr. King offered the following:

Resolved, That the bill be recommitted to the judiciary committee with instructions to so amend the resolution as to reduce the number of Representatives.

A division of the question was demanded by Mr. Fleming, who also called for the yeas and nays on the first proposition in the resolution:

Those who voted in the affirmative, are messrs. Burney, Creagh, King, McClanahan, Toulmin, Walker of B. and Watrous—7.

In the negative, messrs. President, Arrington, Bishop, Brindley, Dent, Dougherty, Fleming, Foster, Hadaway, Hudson, Kelly, Marchbanks, McAlpin, McVay, Moores, Oliver, Phillips, Reese, Walker of L. Walthall, Ward, Watkins, Wilson, Winston and Yancey—25.

So the Senate refused to recommit the joint resolution.

Mr. Fleming then called for the yeas and nays on concurring in the report of the committee.

YEAS—messrs. President, Creagh, Dent, Foster, Hudson, Oliver, Reese, Toulmin, Walker of B. Watkins, Watrous and Winston—12.

NAYS—messrs. Arrington, Bishop, Brindley, Burney, Dougherty, Fleming, Hardaway, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Walker of L. Walthall, Ward and Wilson—19.

So the Senate refused to concur in the report of the committee.

Mr. Yancey then offered the following amendment, to come in at the end of the first section.

“Also, to strike out the twenty-ninth section of the third article of the Constitution of the State.”

Mr. Fleming again desired the yeas and nays, which resulted as follows:

YEAS—messrs. President, Arrington, Bishop, Burney, Creagh, Dougherty, Foster, Hardaway, Oliver, Phillips, Reese, Toulmin, Walker of B. Ward, Watkins, Watrous, Winston and Yancey—18.

NAYS—messrs. Brindley, Dent, Fleming, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Walker of L. and Wilson—14.

So the amendment was adopted.

Mr. Walker offered the following amendment, to come in after the amendment of Mr. Yancey:

Also, strike out the words “one hundred,” where they occur in the ninth section of the third article of the Constitution, and insert in lieu thereof, the words “seventy-five”

Mr. Fleming called for the previous question, and desired the yeas and nays on being sustained.

YEAS—messrs. Brindley, Fleming, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Walthall, Ward, and Wilson—11.

NAYS—messrs. President, Arrington, Bishop, Creagh, Dent, Dougherty, Foster, Hardaway, McAlpin, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Watkins, Watrous, Winston and Yancey—21.

So the Senate refused to sustain the call of the previous question.

The question recurring on the adoption of Mr. Walker's amendment.

The yeas and nays were called for, and are as follows:

YEAS—messrs. President, Bishop, Brindley, Creagh, Dent, Hardaway, Hudson, King, McAlpin, McClanahan, McVay, Moores, Phillips, Toulmin, Walker of L. Ward, Watkins, Watrous, Wilson and Yancey—20.

NAYS—messrs. Arrington, Burney, Dougherty, Fleming, Foster, Kelly, Marchbanks, Oliver, Reese, Walker of B. Walthall and Winston.

So the amendment was adopted.

The question then recurred on ordering the joint resolutions as amended, to be engrossed for a third reading.

The yeas and nays were called for:

YEAS—messrs. Arrington, Bishop, Brindley, Creagh, Burney, Dougherty, Fleming, Foster, Hardaway, Marchbanks, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Ward, Watkins, Watrous, Wilson and Yancey.

NAYS—messrs. President, Dent, Hudson, Kelly, King, McAlpin, McClanahan, Walthall and Winston.

The joint resolutions were ordered to be engrossed for a third reading on to-morrow.

Mr. Walker, from the judiciary committee, to whom was referred a bill entitled an act for the relief of the citizens of township sixteen, range seven, east, in the county of Benton, reported a substitute and recommended its passage.

In which report the Senate concurred.

The rule suspended, the bill read a third time and passed.

Mr. Walker of B. from the committee on the judiciary, to whom was referred a bill to be entitled an act to amend the laws in relation to attachments, reported a substitute and recommended its passage.

In which report the Senate refused to concur.

Mr. Reese offered an amendment.

Which together with the original bill was, on motion of Mr. Walthall, referred to a select committee, consisting of Messrs. Walthall, Watrous and Winston.

On motion of Mr. King, the Senate adjourned until three o'clock, P. M.

AFTERNOON SESSION, January 9th, 1844.

Mr. Creagh asked leave of absence for Mr. Ross, for the balance of the session; which was granted.

Mr. Walker of B. from the judiciary committee, to which was referred certain joint resolutions authorizing the Governor to employ counsel to prosecute and defend certain law suits, which may be commenced as provided by said resolutions, reported that it is inexpedient at this time, to pass the resolutions.

On concurring in the report, Mr. Dougherty called for the yeas and nays, and there were yeas 17, nays 14:

YEAS—messrs. Arrington, Brindley, Creagh, Dent, Foster, Hudson, Kelly, McAlpin, McClanahan, McVay, Toulmin, Walker of B. Walker of L. Walthall, Watrous, Wilson and Winston.

NAYS—messrs. President, Bishop, Burney, Dougherty, Fleming, Hardaway, King, Moores, Oliver, Phillips, Reese, Ward, Watkins and Yancey.

The report was concurred in.

Mr. Brindley, from the committee on roads, bridges, and ferries, to whom was referred a petition addressed to the Sumter delegation, asking that overseers of public roads and apportioners may be appointed at the December, instead of the February term of the commissioners' court, reported the same back to the Senate as inexpedient to legislate upon.

In which report the Senate concurred.

Mr. Wilson, from the committee on county boundaries, to which was recommitted the bill to create a new county, have amended the same in obedience to instructions, by striking out of the ninth section, all after the word "*enacted*," and inserting in lieu thereof, the following: "That the citizens of said county of ——— shall (until the next apportionment for Representatives of the Legislature,) vote for Senators and Representatives to the General Assembly in the counties to which they now respectively belong." And with this amendment, your committee recommend the passage of the bill.

In which report the Senate concurred, and the bill ordered to be engrossed.

Mr. Toulmin presented the account of Sanford & Wilson; which was referred to the committee on accounts and claims.

Mr. Yancey introduced a bill to be entitled an act in relation to inquests in certain cases; which was read the first time and ordered to a second reading.

Mr. Winston introduced a bill to be entitled an act to incorporate the town of Sumterville, in Sumter county; which was read the first time and ordered to a second reading.

Mr. Terry presented the petition of Leah Golightly, and others, of Limestone county; which was referred to the judiciary committee.

Mr. Yancey introduced a bill to be entitled an act for the relief of Mary Ford and Milly Burton; which was amended by Mr. Dent, as follows:

Sec. 3. And be it further enacted, That all the privileges and immunities of the first section of this act, be, and the same are hereby extended to Mary Hinson, wife of Atlas Hinson, of the county of Wilcox.

Mr. Dougherty moved to amend further, by adding the name of Amelia D. Womack, wife of William Womack, of Macon county.

Mr. Watrous moved to amend further, by inserting the name of Mary White, wife of Nelson H. White, of the county of Lawrence; which was read the first time, the constitutional rule suspended, read a second time.

And, on ordering the bill to be engrossed, the yeas and nays were demanded—yeas 20, nays 11.

YEAS—Messrs. Arrington, Bishop, Brindley, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, King, Marchbanks, Moores, Oliver, Philips, Toulmin, Walker of L. Walthall, Watrous, Wilson and Yancey.

NAYS—Messrs. President, Creagh, Hudson, McAlpin, McClanahan, McVay, Reese, Walker of B. Ward, Watkins, and Winston.

Mr. Terry presented the account of Philip Woodson, jr.; which was referred to the committee on accounts and claims.

Mr. Wilson introduced joint resolutions in relation to claims against the United States; which was amended by Mr. Watrous, read the first time, rule suspended, read a second time, and on motion of Mr. Hudson, referred to a select committee, composed of Messrs. Hudson, Wilson and Watrous.

Mr. King offered the following resolution; which was laid on the table:

Resolved, That after to-morrow twelve o'clock, the Senate will receive no new matter, except petitions and accounts.

Mr. McClanahan, from the committee on enrolled bills, reported that they have examined and find correctly enrolled: An act for the relief of Bridget O'Brian.

Mr. Foster introduced a bill to be entitled an act to authorize the Bank to sell a certain tract of land therein mentioned; which was amended by Mr. Watrous, by adding—And upon said sale, said Bank shall give only quit-claim titles.

The bill and amendment was read the first time, rule suspended, read the second and third times forthwith and passed.

Mr. Foster introduced a bill to be entitled an act to explain an act therein named, passed thirteenth February, eighteen hundred and forty-three, declaring the Chattooga river a public highway; which was read a first time, and ordered to a second reading.

Orders of the day:

Engrossed bill to be entitled an act to regulate the hawking and peddling of books and periodicals in this State, was read a third time and passed.

A bill to be entitled an act to authorize the court of roads and revenue in Lawrence county to levy a tax, which was read a second time, and ordered to be engrossed.

A bill to be entitled an act to authorize Philip Lightfoot to erect gates on a certain road therein named, which was read a second time, and ordered to be engrossed.

Engrossed bill to be entitled an act to authorize William McGhee to open a certain road therein named, and for other purposes, which was read a third time and passed.

A bill to be entitled an act granting discretionary powers to the President and Directors of the State Bank and Branches, in certain cases, was read a second time and ordered to be engrossed.

Engrossed bill to be entitled an act for the relief of the representatives of Robert Williamson, deceased, was read a third time and passed.

Engrossed bill to be entitled an act to regulate the pay of Bank Attorneys, was read a third time and passed.

A bill to be entitled an act to provide more effectually for the inspection of bagging and rope in the city of Mobile, was read a second time, and Mr. Dent moved to postpone the bill indefinitely, on which the yeas and nays were demanded—yeas 18, nays 14.

The bill was accordingly postponed indefinitely.

Those who voted in the affirmative, are Messrs. President, Bishop, Creagh, Dent, Fleming, Foster, Kelly, McAlpin, McClanahan, McVay, Moores, Phillips, Walker of L. Ward, Watkins, Watrous, Wilson and Winston.

In the negative, are Messrs. Arrington, Brindley, Burney, Dougherty, Hardaway, Hudson, King, Marchbanks, Oliver, Reese, Toulmin, Walker of B. Walthall and Yancey.

On motion, the Senate adjourned until half-past six o'clock, P. M.

SENATE CHAMBER, EVENING SESSION, January, 9th, 1844.

Mr. McClanahan, from the committee on enrolled bills, have examined and find correctly enrolled:

An act to incorporate the town of New Lexington, in the county of Tuscaloosa:

Mr. Hudson moved to take from the table a House bill to be entitled an act making appropriations for the payment of certain claims against the State, which was read the first time, rule suspended, read a second time, and referred to the committee on accounts and claims.

Orders of the day:

A bill to be entitled an act to regulate the commissions of the register in chancery, at Mobile, was read a second time and ordered to be engrossed.

A bill to be entitled an act to authorize Jacob C. Jordan to remove the property of his infant daughter from the county of Marengo, in this State, to the State of Kentucky, was read a second time, and ordered to be engrossed.

A bill to be entitled an act, explanatory to an act therein named.

Mr. McClanahan moved to refer the bill to the judiciary committee, which motion was lost; and the bill was read a second time, and ordered to be engrossed.

A bill to be entitled an act to regulate the fees of registers in chancery, was read a second time and lost.

A bill to be entitled an act for the relief of Alexander J. Cotton, was read a second time, and referred to the committee on propositions and grievances.

A bill to be entitled an act to repeal the first section of the fourteenth

chapter of an act entitled an act regulating punishments under the Penitentiary system, was read a second time and lost.

Joint resolutions conferring certain powers on the Governor, in relation to the personal property belonging to the State Bank and Branches, was read a second time, constitutional rule suspended, read a third time and passed.

A bill to be entitled an act to authorize brigade encampments in the sixth brigade, Alabama militia, was read a second time and ordered to be engrossed.

A bill to be entitled an act for the benefit of the military academy at Eufaula, was read a second time, and ordered to be engrossed.

Joint resolutions creating a Board of Control for the Bank of the State of Alabama and the several Branches thereof, was read a third time, and on its passage,

Mr. Hudson called for the yeas and nays, and there were yeas 14, nays 11.

The joint resolutions passed.

Those who voted in the affirmative, are Messrs. Arrington, Bishop, Burney, Creagh, Foster, King, McAlpin, Phillips, Reese, Toulmin, Walker of B. Walthall, Ward and Yancey.

In the negative, are Messrs. President, Brindley, Dougherty, Fleming, Hardaway, Hudson, Marchbanks, McClanahan, McVay, Oliver, and Wilson.

Engrossed bill from the House, to be entitled an act for the relief of the citizens of township fifteen, range eight east, in the county of Benton, was read a third time and passed.

Joint resolutions in relation to manufacturing in the State Penitentiary, was read a second time, rule suspended, read a third time and passed.

Joint resolutions in relation to the State Penitentiary, was read a second time.

Mr. Creagh moved to strike out the first resolution, which was lost.

On Mr. Yancey's motion the rule was suspended, the resolutions read a third time, and on their passage, Mr. Creagh called for the yeas and nays—yeas 19, nays 5.

YEAS—Messrs. President, Bishop, Burney, Dougherty, Fleming, Foster, Hardaway, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Walker of B. Walthall, Ward, and Yancey.

NAYS—Messrs. Arrington, Brindley, Creagh, Reese, Toulmin and Wilson.

A bill to be entitled an act to fix the time of holding the circuit courts in the fifth Judicial circuit, was read a second time.

Mr. Wilson moved to refer it to a select committee, composed of the Senators from the fifth Judicial circuit, which was lost.

Mr. Walker of B. moved that the rule be suspended, the bill read a second time forthwith, and on which motion,

Mr. Wilson called for the yeas and nays, and there were yeas 12, nays 8.

YEAS—Messrs. Arrington, Bishop, Brindley, Fleming, Hudson, King, McAlpin, Phillips, Reese, Toulmin, Walker of B. and Yancey.

NAYS—Messrs. President, Dougherty, Hardaway, Marchbanks, McClanahan, McVay, Ward and Wilson.

On ordering the bill to be engrossed, Mr. Wilson called for the yeas and nays—yeas 16, nays 5.

The bill was ordered to be engrossed.

Those who voted in the affirmative, are messrs. President, Arrington, Bishop, Brindley, Fleming, Foster, Hardaway, Hudson, King, McAlpin, McClanahan, Phillips, Reese, Toulmin, Walker of B. and Yancey.

In the negative, are messrs. Dougherty, Marchbanks, McVay, Ward and Wilson.

A bill to be entitled an act for the relief of Mary E. Montgomery, was read a second time; and, on motion of Mr. Marchbanks, laid on the table.

Engrossed bill from the House, entitled an act to attach a portion of the eighteenth regiment, in Tuscaloosa county, to the seventeenth regiment, which was read a second time, and ordered to a third reading.

A bill to be entitled an act explanatory of the laws prohibiting the sale of spirituous liquors by retail, was read a second time and ordered to be engrossed.

A bill to be entitled an act to change the time of holding the court in the third district, southern chancery division, and for other purposes, was read a second time, and ordered to be engrossed.

A bill to be entitled an act to require an extra term of the court to be holden in the third district, southern chancery division, and for other purposes, was read a second time, and ordered to be engrossed.

A bill to be entitled an act to repeal a certain act therein named, was read a second time, and ordered to be engrossed.

Engrossed bill to be entitled an act to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Railroad Company.

Mr. Hudson offered the following amendment as an engrossed rider, which was adopted:

Sec — And be it further enacted, That the interest arising from the loan of the money specified in this act, shall be set apart and forever kept for the purpose of creating a school fund, which shall hereafter be appropriated for the use of common schools in this State, in such township as may have valueless sixteenth sections.

On which amendment the yeas and nays were demanded—yeas 11, nays 7.

YEAS—Messrs. President, Bishop, Brindley, Dent, Hudson, Marchbanks, McClanahan, McVay, Toulmin, Walker of B. Walker of L. Ward and Wilson.

NAYS—Messrs. Arrington, Creagh, Dougherty, Fleming, King, Oliver and Reese.

Mr. Brindley offered the following amendment, which was lost:

Provided further, That if there should be a deficit or loss of any portion of the principal, that the interest accumulating shall first be applied to such loss.

On the passage of the bill, Mr. Yancey demanded the yeas and nays—yeas 14, nays 10.

The bill passed.

YEAS—Messrs. Arrington, Brindley, Burney, Dougherty, Foster, Hardaway, King, McAlpin, Oliver, Phillips, Reese, Toulmin, Walker of B. and Ward.

NAYS—President, Creagh, Bishop, Dent, Fleming, Hudson, Marchbanks, McClanahan, McVay, Walker of L. Wilson and Yancey.

Engrossed bill to be entitled an act to authorize the commissioners' court of roads and revenue of the counties of Montgomery, Bibb and Chambers to levy a tax of fifty per cent. upon the State tax authorized for the year eighteen hundred and forty-four.

Read a third time and passed.

A bill to be entitled an act authorizing the sale of the Tuscumbia, Courtland and Decatur Railroad, was read a second time; and, on motion of Mr. Hudson, the rule was suspended, the bill read a third time and passed.

Joint resolutions authorizing a rescission of the contract of sale for section sixteen, township eleven, range one west, in the county of Clarke, was read a second time, rule suspended, read a third time and passed.

A bill to be entitled an act to regulate the manner of advertising sheriffs' and coroners' sales of land and negroes, in certain counties, in this State, was read a second time, and

Mr. Dougherty offered the following amendment:

"Provided, said sheriffs and coroners shall also give the notice now required by law, which was adopted."

Mr. King offered the following amendment, which was adopted:

"Provided, that the provisions of this act shall only extend to the counties of Macon, Montgomery, Barbour, Russell, Chambers, Lowndes, Clarke, Washington and Baldwin."

The bill and amendments were read a third time and passed.

A bill to be entitled an act in relation to election returns, was read a second time, and referred to the judiciary committee.

A bill to be entitled an act to defray the expenses of the State Penitentiary for the year eighteen hundred and forty-four, was read a second time, and referred to the committee on accounts and claims, with instructions to append it to the general appropriation bill.

A bill to be entitled an act to change the time of holding the county court of Shelby county, was read a second time, rule suspended, and read a third time, and passed.

Engrossed bill to be entitled an act to establish and abolish certain

election precincts therein named, was read a third time, and the following amendment was offered by Mr. Dougherty: at the end of the first section insert, "at Pleasant Grove, near the house of John Phillips, in the county of Macon." Mr. King inserted, "at the town of Memphis, in the county of Pickens."

By Mr. Toulmin.

Sec. — *And be it further enacted*, That the election precinct heretofore established at the house of Simmons, near Eight Mile Creek, in the county of Mobile, be, and the same is hereby abolished.

The amendments were concurred in, and the bill read a third time, and passed.

Engrossed bill to be entitled an act to amend an act entitled an act to run and mark out the line between the counties of Jefferson and Shelby, was read the third time, and passed.

Engrossed bill to be entitled an act to regulate damages upon appeals and writs of error, was read a third time, and on its passage, Mr. Walker of B. demanded the yeas and nays—yeas 20, nays 5.

The bill passed.

Those who voted in the affirmative, are Messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dougherty, Fleming, Foster, Hardaway, Hudson, King, Marchbanks, McVay, Oliver, Toulmin, Walthall, Ward, Wilson and Yancey.

In the negative, Messrs. McAlpin, McClanahan, Phillips, Reese and Walker of B.

A bill to be entitled an act to change the time of holding the circuit courts in the ninth judicial circuit, was read a third time, and on its passage Mr. Dougherty called for the yeas and nays, and there were yeas 11, nays 13.

The bill was lost.

YEAS—Messrs. Arrington, Bishop, Brindley, Burney, Creagh, Fleming, Hudson, McAlpin, McClanahan, Reese and Walker of B.

NAYS—Messrs. President, Dougherty, Foster, Hardaway, King, Marchbanks, McVay, Oliver, Phillips, Toulmin, Ward, Wilson and Yancey.

Engrossed bill, to be entitled an act to regulate the elections by the President and Directors of the Bank of the State of Alabama, and the President and Directors of its Branches, was read a third time, and passed.

Engrossed bill to be entitled an act to incorporate a company for the purpose of manufacturing woolen and cotton goods, was read a third time and passed.

Engrossed bill, to be entitled an act to incorporate the Tennessee and Coosa rail road company, was read a third time, and passed.

A message from the House of Representatives:

Mr. President—The House of Representatives have passed the following bill, which originated in the House:

A bill to be entitled an act to authorize the commissioners of roads and revenue, together with the county Judge, to levy a tax to pay for building court house in Russell county:

A bill to be entitled an act to authorize Joseph Maharry to erect gates across a certain road therein named; in which they respectfully ask the concurrence of the Senate.

A message from the House of Representatives:

Mr. President—The House of Representatives have passed the following bills and joint memorial:

A bill to be entitled an act for the support of paupers in the county of Shelby:

Joint memorial to Congress, in relation to certain mail routes; both of which originated in the House, and in which they respectfully ask the concurrence of the Senate:

Engrossed joint memorial to Congress, in relation to certain mail routes therein named, was read and amended by Mr. Hudson, by inserting the words "Russellville, or," before the word "Newbury;" and as amended read and passed.

Engrossed bill from the House, to be entitled an act for the support of paupers in the county of Shelby, was read a first time, and ordered to a second reading.

Engrossed bill from the House, to be entitled an act to authorize the commissioners of roads and revenue, together with the county Judge, to levy a tax to pay for the building of a court house in Russell county, was read a first time, and ordered to a second reading.

The following engrossed bill from the House, was read a first time, and ordered to a second reading:

A bill to be entitled an act to authorize Joseph Maharry to erect gates across a certain road therein named.

A message from the House:

Mr. President—The House of Representatives have passed the following bills:

To regulate the fees of the Judge of the county court of Monroe county:

And a bill to authorize William Spear and his associates to erect a bridge across Conecuh river; which bills were each read the first time, and ordered to a second reading.

Mr. President—The House has passed the following bill:

A bill to be entitled an act to divorce certain persons therein named; in which they respectfully ask the concurrence of the Senate.

Which engrossed bill was read a second time, and ordered to a third reading.

A message from the House:

Mr. President—The House of Representatives have passed the following bill:

A bill to be entitled an act to locate permanently the county site for the county of Cherokee, and for other purposes; in which they ask the concurrence of the Senate.

The bill was then read a first time, the rule suspended, read a second time, and ordered to a third reading.

Engrossed bill from the House, to be entitled an act to incorporate the

Greensboro' cavalry company, was read the first time, and ordered to a second reading.

Engrossed bill from the House, to be entitled an act to repeal an act entitled an act to alter and amend the road laws as to the county of Marion, was read the first time, and ordered to a second reading.

Engrossed bill from the House, to be entitled an act to regulate the pay of tales jurors in the county of Benton, was read the first time, and ordered to a second reading.

Engrossed bill from the House, to be entitled an act to divorce Elizabeth Holloway from her husband Washington Holloway; which was read the first time, and ordered to a second reading.

On motion, the Senate adjourned until ten o'clock to-morrow morning.

SENATE CHAMBER, Wednesday, January 10, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read as far as completed. In consequence of the indisposition of the Secretary the remainder was excused.

Mr. Dent asked leave to record his vote on Mr. Hudson's amendment to the bill authorizing the loan of part of the two per cent fund to the Montgomery and West Point rail road; which was refused.

Mr. Hudson presented the accounts of Hogan & Lyon; which were referred to the committee on accounts and claims.

Mr. Hudson presented the account of A. R. Thomas, for servant hire; and which was referred to the same committee.

Mr. Toulmin presented the petition of sundry citizens in favor of Thomas Fedder; which was referred to the committee on propositions and grievances.

Mr. McAlpin presented the petition of sundry citizens of Greene county, praying that the company of cavalry be incorporated; which was read and laid on the table.

Mr. McVay, from the committee on propositions and grievances, to which was referred a bill for the relief of Alexander J. Cotton, reported inexpedient to pass the bill.

On motion of Mr. Bishop, the report and bill were laid on the table.

Mr. Toulmin moved to reconsider the vote taken on the bill to change the time of holding the courts in the ninth judicial circuit; which was carried.

On the passage of the bill, Mr. Dougherty demanded the yeas and nays, and the bill passed—yeas 19, nays 12.

YEAS—Messrs. Arrington, Bishop, Brindley, Burney, Cresagh, Fleming, Foster, Hudson, Kelly, Marchbanks, McAlpin, McClanahan, Reese, Toulmin, Walker of B. Walker of L. Walthall, Watrous and Winston.

NAYS—Messrs. President, Dougherty, Hardaway, King, McVay, Oliver, Phillips, Ward, Watkins, Wilson and Yancey.

Mr. Hudson offered the following resolution, which was adopted:

Resolved, That with the concurrence of the House of Representatives,

the two houses will assemble in the Hall of the House on Thursday, the eleventh inst. at three o'clock, P. M. for the purpose of going into the election of a State Printer, also a Judge of the county court of Dale county.

Mr. Foster moved to reconsider the vote on refusing Mr. Dent and others to record their votes on the Montgomery and West Point road company bill; which was carried.

Mr. Toulmin introduced a bill to be entitled an act to amend an act to incorporate the Mobile Navigation and Insurance Company, approved the fourteenth February, eighteen hundred and forty-three, was read the first time, rule suspended, read a second time, and referred to a select committee of Messrs. Toulmin, McClanahan and Creagh.

Mr. Toulmin introduced a bill to be entitled an act to provide for a full and equitable assessment of taxes for the city of Mobile; which was read the first time, and ordered to a second reading.

Orders of the day.

Engrossed bill to be entitled an act to create a new county to be called Pushmatahaw; which was read and referred to a select committee of Messrs. Moores, Winston and Creagh.

Engrossed bill to be entitled an act for the relief of Mary Ford and Milly Burton and others, being read a third time, Mr. Marchbanks offered the following amendment by way of engrossed rider; which was adopted:

And be it further enacted, That the provisions of this act be and the same are hereby declared to be applicable in all respects to Mary E. Montgomery, wife of Peter B. Montgomery, of Fayette county.

On the passage of the bill, Mr. Hudson demanded the yeas and nays, and there were yeas 14, nays 17.

YEAS—Messrs. Brindley, Dent, Fleming, Foster, Hardaway, Kelly, King, Marchbanks, Moores, Phillips, Toulmin, Walker of L. Walthall and Yancey.

NAYS—Messrs. President, Arrington, Bishop, Burney, Creagh, Hudson, McAlpin, McClanahan, McVay, Oliver, Reese, Ward, Watkins, Watrous, Wilson and Winston.

The bill was lost.

Engrossed bill entitled an act to amend an act for the final settlement of the Planters and Merchants Bank of Mobile, was read a third time, and passed.

Engrossed bill entitled an act granting discretionary powers to the President and Directors of the State Bank and Branches, in certain cases, was read a third time, and passed.

Engrossed joint resolutions, to amend the constitution of the State of Alabama.

Mr. King demanded the yeas and nays on their passage—yeas 19, nays 12.

YEAS—Messrs. Arrington, Bishop, Brindley, Creagh, Fleming, Foster, Hardaway, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Ward, Watrous, Wilson and Yancey.

NAYS—Messrs. President, Burney, Dent, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Walthall, Watkins and Winston. There not being two thirds of the whole number voting for them, Mr. President declared the joint resolutions lost.

Mr. Yancey appealed from the decision of the chair.

Mr. Hudson called for the yeas and nays on the appeal, and there were yeas 24, nays 5.

The decision of the chair was sustained.

YEAS—Messrs. President, Arrington, Brindley, Burney, Creagh, Dent, Fleming, Foster, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Toulmin, Walker of L. Walthall, Ward, Watkins, Watrous, Wilson and Winston.

NAYS—Messrs. Bishop, Dougherty, Hardaway, Reese and Yancey.

Engrossed bill, to be entitled an act to authorize the court of roads and revenue of Lawrence county to levy a tax, was read a third time, and passed.

Engrossed bill to be entitled an act to authorize Philip Lightfoot to erect gates on a certain road therein named, was read a third time, and passed.

Engrossed bill from the House, entitled an act to attach a portion of the eighteenth regiment in Tuscaloosa county, to the seventeenth regiment, was read a third time, and passed.

Engrossed bill, to be entitled an act to change the time of holding the court in the third district, southern Chancery division, and for other purposes, was read a third time, and passed.

Engrossed bill, to be entitled an act to repeal a certain act therein named, was read a third time and passed.

Afterwards, Mr. Hudson moved to reconsider the vote, which was carried, and the bill referred to the committee on roads, bridges and ferries.

A bill to be entitled an act in relation to inquests in certain cases, was read a second time, and ordered to be engrossed.

A bill to be entitled an act to incorporate the town of Sumterville, in Sumter county, was read a second time, and ordered to be engrossed.

A bill to be entitled an act to explain an act passed thirteenth February, eighteen hundred and forty-three, declaring Chattooga river a public highway, was read a second time, and ordered to be engrossed.

Engrossed bill entitled an act to authorize brigade encampments in the sixth brigade of Alabama Militia, was read a third time and passed.

Engrossed bill entitled an act to require an extra term of the court to be holden in the third district, and southern Chancery division, and for other purposes, was read a third time and passed.

Mr. Walthall, from the select committee, to whom was referred a bill to be entitled an act to amend the laws in relation to attachments, reported the same back with the following amendments:

Strike out the second and third sections, and insert the section herewith annexed.

* That hereafter when any writs or other process issued from any court in this State, shall be returned, not found in his county, no judi-

cial attachment shall issue, unless the plaintiff, his agent or attorney, shall first make oath that the amount sued for is due and unpaid, and that he has good reason to believe, and does believe, that the defendant has intentionally avoided the service of the process.

“ Provided, that hereafter, in all cases where the sheriff shall have a copy of the writ of process sued out at the most notorious residence of the defendant, fifteen days before court, then and in that case the service shall be held and deemed a valid service on said defendant.”

Which was read, the amendment adopted, the rule suspended, read a third time and passed.

A message from the House:

Mr. President—The House of Representatives have passed the following bill:

A bill to consolidate the several acts in relation to the incorporation of the city of Mobile.

A bill to be entitled an act to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same; was read the first time, rule suspended, and referred to a select committee of messrs. Toulmin, Burney and Wilson.

A message from the House of Representatives:

Mr. President—The House of Representatives have passed bills of the following titles, viz:

An act concerning the circuit court of Dallas county:

An act to revive and continue in force an act entitled an act to authorize the commissioners' court of Butler county, to levy an additional tax:

Joint resolutions for the relief of Lorenzo Walker and his wife Pheraba, of Fayette county:

An act to amend the charter of the Marine Railway and Insurance Company of Mobile:

An act to incorporate the town of New Lexington, in the county of Tuscaloosa.

The House has originated and passed bills of the following titles:

An act to divorce Elizabeth Holloway from her husband Washington Holloway:

An act to regulate the pay of tales jurors, in the county of Benton:

An act to amend an act entitled an act to repeal the road laws as relates to the county of Marion:

An act to repeal the law incorporating the town of Clayton, in Barbour county:

An act to declare the Patsaliga river a public highway:

An act in relation to the fees of certain officers, in Baldwin county:

An act to incorporate the Greensborough Cavalry Company:

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county:

An act to change the time of holding the commissioners' court of roads and revenue for the county of Madison:

An act to authorize a portion of the citizens of Henry county to form a company beat, with a less number than forty privates:

An act to authorize the Judge of the county court and commissioners of roads and revenue in Randolph county, to levy a special tax:

An act to incorporate the Jackson county Guards:

An act to restore James Patterson, of Franklin county, to citizenship:

An act to divorce Irvin Register from his wife Mary Register:

An act to incorporate the Lafayette Mechanics' Literary and Benevolent Association:

An act concerning the administration of the estate of Wm. S. Chapman, deceased:

An act for the relief of Catharine Welsh, of Morgan county:

An act for the relief of James Burroughs from the purchase of a certain sixteenth section, in Clarke county:

An act to alter and amend the patrol laws now in force in certain counties therein named:

An act to require the Clerks of certain counties therein named to make out and keep a reversed index to the several books of their office.

An act to legalize the sale of town lots in the town of Columbia, in Henry county:

An act to incorporate Lafayette, in Chambers county:

An act to incorporate the town of Huntsville:

An act to authorize Nelson S. White and Richard Burroughs to turnpike a certain road therein named:

An act to authorize the sheriff of Walker county to perform constables' business:

An act to assess and collect a county tax, for the counties of Macon and Montgomery:

In which the concurrence of the Senate is requested.

Engrossed bill from the House, entitled an act to assess and collect a county tax for the counties of Macon and Montgomery, was read a first time and ordered to a second reading

Engrossed bill from the House, entitled an act to authorize the sheriff of Walker county to perform constables' business, was read a first time and ordered to a second reading.

Engrossed bill from the House, entitled an act to authorize Nelson H. White and Richard Burroughs to turnpike a certain road therein named, and for other purposes, was read a first time, rule suspended, read a second time, and referred to the committee on roads, bridges and ferries.

Engrossed bill from the House, entitled an act to incorporate the town of Huntsville, was read a first time, the rule suspended, read a second time:

Mr. Fleming moved a further suspension of the rule, which was refused, and the bill was then ordered to a third reading.

Engrossed bill from the House, entitled an act to incorporate Lafayette, in Chambers county, was read a first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to legalize the sale of lots in the town of Columbia, in Henry county, and for other purposes, was read a first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to require the clerks of certain counties therein named, to make out and keep a reversed index to the several books of their offices, which was read a first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to alter and amend the patrol law now in force, in certain counties therein named, was read a first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act for the relief of James Burroughs from the purchase of a certain sixteenth section in the county of Clarke, was read a first time, rule suspended, read a second time, and ordered to a third reading.

Engrossed bill from the House, entitled an act for the relief of Catharine Welsh, of Morgan county, was read a first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act concerning the administration of the estate of William S. Chapman, deceased, was read a first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to incorporate the Lafayette Mechanics' Literary and Benevolent Association, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to divorce Irvin Register from his wife Mary Register, was read a first time, rule suspended, read a second time, and referred to the committee on divorce and alimony.

Engrossed bill from the House, entitled an act to restore James Patterson, of the county of Franklin, to citizenship, was read a first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to incorporate the Jackson County Guards, was read a first time, rule suspended, read a second time, and referred to a select committee, consisting of Messrs. Wilson, Phillips and Hudson.

Engrossed bill from the House, entitled an act to authorize the Judge of the county court and commissioners of roads and revenue of Randolph county, to levy a special tax, was read a first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to authorize a portion of the citizens of Henry county to form a beat or volunteer company with a less number than forty privates, was read a first time, rule suspended, read a second time, rule further suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to change the time of holding the commissioners' court of roads and revenue, for the county

of Madison, was read a first time, rule suspended, read a second time, rule further suspended, read a third time and passed.

Engrossed joint resolutions from the House, for the relief of Isaac Swan, tax collector of Sumter county, was read a first time and ordered to second reading.

Engrossed bill from the House, entitled an act in relation to the fees of certain officers in Baldwin county, was read a first time and ordered to a second reading.

Engrossed bill from the House, entitled an act to declare the Patsaliga river a public highway, was read a first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to repeal the law incorporating the town of Clayton, in Barbour county, was read a first time, and ordered to a second reading.

A message from the House of Representatives:

Mr. President—The House of Representatives have passed the following bills, viz:

A bill to be entitled an act making appropriations for the payment of certain claims against the State:

A bill to be entitled an act for the relief of Larkin Poe:

And joint resolutions in relation to sixteenth section debtors:

In which they ask the concurrence of the Senate.

Engrossed joint resolutions from the House, in relation to sixteenth section debtors, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act for the relief of Larkin Poe, was read the first time, rule suspended, read a second time:

Mr. Hudson moved its reference to the committee on accounts, and claims, which was lost, and the bill ordered to a third reading.

Engrossed bill from the House, entitled an act to secure the records of the orphans' court of Dale county; read the first time, rule suspended, read a second time, and ordered to a third reading.

A message from the House of Representatives:

Mr. President—The House of Representatives have passed the following bills, viz:

A bill for the more effectual preservation of the arms of the State in charge of the first volunteer regiment of Alabama, and for other purposes:

A bill to be entitled an act for the relief of Margery Brown and others:

A bill to be entitled an act to secure the records of the Orphans' court of Dale county:

A bill to be entitled an act to annex to the city of Montgomery a certain piece of land therein named:

A bill to change the time of holding the county court of Russell county:

A bill to be entitled an act to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones' Bluff:

A bill to be entitled an act to alter and amend an act incorporating the city of Wetumpka, and establishing a city court therein, passed thirtieth January, eighteen hundred and thirty-nine:

An act for the relief of Sarah Ann Black, of Wilcox county:

In which the concurrence of the Senate is asked.

Engrossed bill from the House, for the relief of Margery Brame and others, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act for the more effectual preservation of the arms of the State in charge of the first volunteer regiment of Alabama, and for other purposes, was read the first time, rule suspended, read a second time, and referred to the military committee.

Engrossed bill from the House, entitled an act for the relief of Sarah Ann Black, of Wilcox county, was read the first time, rule suspended, read second time, and ordered to a third reading.

Engrossed bill from the House, entitled an act to alter and amend the act incorporating the city of Wetumpka, and establishing a city court therein, passed thirtieth January, eighteen hundred and thirty-nine, was read a first time, rule suspended, read a second time, and referred to a select committee of Messrs. Yancey, Burney and Oliver.

Engrossed bill from the House, entitled an act to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones' Bluff, was read the first time, and the Senate refused to order it to a second reading.

Mr. Phillips afterwards moved to reconsider the vote, which was done, and the bill ordered to a second reading.

Engrossed bill from the House, entitled an act to change the time of holding the county court of Russell county, was read a first time, and ordered to a second reading.

A message from the House of Representatives:

Mr. President—The House of Representatives have passed the following bills, viz:

A bill to be entitled an act to regulate the change of venue in civil suits:

A bill to be entitled an act to regulate the proceedings of Justices' courts in the county of Randolph:

A bill to be entitled an act to authorize Charles McCardin and his associates to build a fish trap, at the Weduska shoals, in Coosa county:

A bill to be entitled act for the relief of Milly Sample:

A bill to be entitled an act to authorize the duties of clerks of the circuit and county courts of Washington county to be performed by the same person:

And also the following joint memorial to the Congress of the United States, on the subject of the pre-emption laws:

In all of which they respectfully ask the concurrence of the Senate.

Engrossed joint memorial from the House to the Congress of the United States, on the subject of the pre-emption laws, was read and adopted.

Engrossed bill from the House, entitled an act to authorize the duties of clerk of the circuit and county courts of Washington county to be performed by the same person, was read the first time, rule suspended, read the second and third times, and passed.

Engrossed bill from the House, for the relief of Milly Sample, was read a first time; and, on motion of Mr. Walthall, the rule was suspended, the bill read a second and third times, and, on its passage the yeas and nays were demanded by Mr. Terry—there were yeas 18, nays 9.

YEAS—messrs. Brindley, Burney, Dent, Fleming, Foster, Hardaway, Kelly, King, Marchbanks, Moores, Oliver, Phillips, Toulmin, Walthall, Ward, Watrous, Wilson and Yancey—18.

NAYS—messrs. President, Bishop, Creagh, Hudson, McAlpin, McClanahan, McVay, Walker of B. and Watkins—9.

Engrossed bill from the House, entitled an act to authorize Charles McCardin and his associates to build a fish trap at the mouth of the Weduska shoals, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to regulate proceedings in Justices' courts in the county of Randolph, was read the first time, rule suspended, and on motion of Mr. Moores, referred to the judiciary committee.

Engrossed bill from the House, entitled an act to change the venue in civil suits, was read the first time—rule suspended, read a second time, and referred to the judiciary committee.

Mr. McAlpin moved to reconsider the vote taken on the bill for the relief of Mary Ford and Milley Burton, together with the engrossed ryder of Mr. Marchbanks; which was carried.

On motion of Mr. Dent, the bill was laid on the table.

Mr. Watrous introduced a bill, to be entitled an act to change the time of holding the fall term of the Montgomery circuit court; which was read the first time, rule suspended, read the second and third times, and passed; and the House informed.

Mr. Hudson presented the account of John Thomas, for servant hire for the present year; which was referred to the committee on accounts and claims.

Mr. Creagh introduced a bill, to be entitled an act to add a part of the twenty sixth regiment to the thirtieth regiment of Alabama Militia; which was read the first time, the rule suspended, read the second and third times, and passed.

Mr. Burney introduced a bill, to be entitled an act to incorporate the Rocky Mount Academy, in the county of Lowndes; which was read a first time and ordered to a second reading.

On motion of Mr. Fleming, the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, THURSDAY, January 11, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson presented the accounts of Wm Montgomery and H. P. Douthitte, for services as Clerks to joint examining committees; which was referred to the committee on accounts and claims.

Mr. Hudson presented the account of James H. Owen for illuminating the State Capitol; referred to the committee on accounts and claims.

Mr. Hardaway presented the petition of sundry citizens of Russell county; which was referred to the committee on education.

Mr. Fleming, from the military committee, to which was referred the engrossed bill, entitled an act for the more effectual preservation of the Arms of the State in charge of the first volunteer regiment of Alabama, and for other purposes, reported the same back to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Hudson, from the joint examining committee on the State Bank, made the following report—and moved to print five hundred copies of the same; which report was laid on the table.

A Condensed Statement of the indebtedness of the several Counties in the State of Alabama, to the Bank of the State of Alabama, and its several Branches, classified good, bad and doubtful.

Classification of the Indebtedness of each County to the State Bank.

COUNTIES.	GOOD.	BAD.	DOUBTFUL.
Autauga,	1,074 00	25,967 84	500 00
Barbour,			
Baldwin,			
Benton,	877 00	4,105 60	550 00
Bibb,	19,724 00	42,800 00	4,775 00
Butler,		800 00	
Blount,	810 00	21,952 00	2,967 17
Clarke,	7,071 00	1,540 00	2,000 00
Chambers,			
Conecuh,		1,130 00	
Coosa,			
Coffee,			
Cherokee,	1,075 36		
Covington,			
Dallas,	26,779 00	9,924 00	1,774 00
Dale,			
De Kalb,		1,850 00	
Fayette,	19,331 41	22,585 65	1,335 83
Franklin,	10,539 00	14,160 71	3,549 00

Greene,	235,099 59	55,053 14	609,883 57
Henry,			320 00
Jackson,	3,120 00	10,415 60	2,135 00
Jefferson,	41,093 32	28,250 40	8,452 47
Lawrence,	5,000 00		26,337 35
Lauderdale,	1,309 75	2,660 00	
Limestone,	2,535 00	3,615 00	3,730 00
Lowndes,	5,096 00	10,271 00	
Madison,	3,832 48	4,209 00	
Marshall,	678 00	10,318 00	
Macon,	407 00	592 00	
Marengo,	94,488 14	53,326 71	20,740 47
Monroe,	11,700 35	7,318 00	1,084 00
Marion,	4,727 00	14,837 00	7,875 00
Mobile,	4,223 96	15,240 60	31,130 61
Montgomery,	1,626 00	5,088 00	2,515 00
Morgan,	98 00	1,176 00	
Perry,	83,059 90	49,004 30	35,145 48
Pickens,	37,915 80	21,314 40	46,605 99
Pike,	332 00	1,146 00	1,630 00
Shelby,	12,722 15	7,357 00	4,801 00
Sumter,	88,713 93	75,503 80	69,746 21
Talladega,	24,269 87	25,155 55	5,263 00
Tallahpoosa,			300 00
Tuscaloosa,	290,761 60	151,480 45	438,534 05
Washington,	1,750 00		211 00
Walker,	3,453 75	24,855 02	5,073 86
Wilcox,	16,197 12	17,510 00	10,991 64
Randolph,			
Russell,			
St. Clair,	2,834 00	11,046 00	2,600 00
University Fund,			64,500 00
Mississippi,			
Tennessee,			
Pennsylvania,			
Ohio,			
Georgia,			

<u>\$1,064,325 48</u>	<u>\$753,550 17</u>	<u>\$1,085,110 61</u>
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Classification of the Indebtedness of each County to the Branch Bank at Decatur.

COUNTIES.	GOOD.	BAD.	DOUBTFUL.
Autauga,			
Barbour,			
Baldwin,			
Benton,	10,780 58	10,843 47	2,535 21
Bibb,		1,000 00	
Butler,			
Blount,	52,507 22	50,173 28	9,431 93
Clarke,			
Chambers,			
Conecuh,			
Coosa,	1,282 36		
Coffee,			
Cherokee,	1,244 23	14,441 60	267 00
Covington,			
Dallas,			
Dale,			
De Kalb,	4,039 95	11,195 68	8,126 90
Fayette,	913 00		
Franklin,	168,164 72	207,178 48	26,038 23
Greene,	8,617 00	129 00	
Henry,			
Jackson,	41,948 52	88,159 17	16,844 69
Jefferson,	939 92	4,157 82	
Lawrence,	532,112 48	173,752 32	46,390 23
Lauderdale,	134,209 85	27,064 14	2,799 02
Limestone,	154,516 13	134,640 24	16,628 16
Lowndes,		5,118 91	
Madison,	56,370 08	64,870 75	4,603 01
Marshall,	6,488 20	94,307 30	9,748 09
Macon,			
Marengo,	191 61		
Marion,	4,802 31	19,973 68	9,388 61
Monroe,			
Mobile,	4,018 64	702 55	
Montgomery,			
Morgan,	93,513 41	188,823 59	21,335 24
Perry,	171 55		43 00
Pickens,		6,152 13	
Pike,			
Shelby,	1,790 44		
Sumter,	9,373 94	5,371 37	2,689 92
Talladega,	50,118 58	16,059 33	6,536 17
Tallapoosa,			
Tuscaloosa,	3,975 62	15,570 62	
Washington,			

Walker,	2,146 36	5,497 97	1,292 45
Wilcox,			
Randolph,	4,023 71	3,157 38	2,965 47
Russell,			
St. Clair,	5,670 34	12,695 14	2,748 65
University Fund,			
Mississippi,	44,640 85	1,008 16	13,266 50
Tennessee,			700 13
Pennsylvania,			
Ohio,			
Georgia,			
	\$1,966,571 00	\$1,162,044 28	\$204,378 60

Classification of the indebtedness of each county to the Huntsville Branch Bank.

COUNTIES.	GOOD.	BAD.	DOUBTFUL.
Autauga,	257 91		246 58
Barbour,			
Baldwin,			
Benton,	12,072 99	2,654 97	1,833 04
Bibb,			
Butler,			
Blount,	9,963 42	14,164 46	7,703 41
Clarke,			
Chambers,			
Conecuh,			
Coosa,			980 18
Coffee,			
Cherokee,	413 01	10,168 21	776 93
Covington,			
Dallas,	12,000 00		
Dale,			
De Kalb,	4,337 11	5,644 74	4,144 26
Fayette,			
Franklin,	29,752 09	19,533 31	6,628 43
Greene,	257 94		
Henry,			
Jackson,	36,782 72	19,519 53	3,529 94
Jefferson,			
Lawrence,	14,126 19	18,170 44	681 86
Lauderdale,	25,947 83	19,689 98	4,637 48
Limestone,	100,082 74	7,543 09	1,788 71
Lowndes,	704 83		
Madison,	684,560 73	55,140 91	13,406 69
Marshall,	18,227 39	33,314 90	3,102 49
Macon,			

Marengo,	5,845 51		2,610 10
Marion,			
Monroe,			
Mobile,	4,637 69	2,000 00	
Montgomery,			
Morgan,	4,526 04	15,521 20	379 09
Perry,	1,876 90		
Pickens,			
Pike,			
Shelby,			
Sumter,	2,949 97		
Talladega,	12,316 83	9,053 37	1,649 80
Tallapoosa,			
Tuscaloosa,		92 46	
Washington,	1,800 00		
Walker,		4,531 00	
Wilcox,			
Randolph,	344 83	810 92	
Russell,			
St. Clair,	2,023 41	5,327 15	
University Fund,			
Mississippi,	1,300 00		12,069 43
Tennessee,	4,329 52		120 00
Pennsylvania,	2 00		
Ohio,	2 50		
Georgia,			
	\$991,442 10	\$242,880 64	\$66,288 42

Classification of the Indebtedness of each County to the Branch Bank at Mobile.

COUNTIES.	GOOD.	BAD.	DOUBTFUL.
Autauga,	41,726 23	74,526 72	4,219 51
Barbour,	470 00		
Baldwin,	35,406 53		3,300 00
Benton,	1,255 00	12,772 09	
Bibb,	16,369 81	9,269 56	11,557 55
Butler,	3,438 88	20,171 14	442 50
Blount,	1,231 75		
Clarke,	150,650 91	13,016 56	24,363 20
Chambers,		3,832 22	
Conecuh,	34,642 98	11,041 87	7,190 00
Coosa,	750 00	3,555 26	17,372 31
Coffee,			
Cherokee,			
Covington,	441 27	1,334 00	1,334 00

Dallas,	138,106 42	10,393 13	10,327 13
Dale,			1,000 00
De Kalb,			
Fayette,		2,227 20	
Franklin,			
Greene,	152,982 93	157,722 53	30,988 55
Henry,			
Jackson,			
Jefferson,	4,842 82	3,445 65	3,550 00
Lawrence,		18,585 57	4,993 42
Lauderdale,			
Limestone,		697 57	
Lowndes,	93,657 80	23,645 13	24,282 46
Madison,	3,234 00		6,043 34
Marshall,		2,753 38	
Macon,	5,426 00	1,400 00	
Marengo,	147,971 59	146,862 25	19,802 39
Marion,			
Monroe,	80,032 82		4,238 08
Mobile,	655,838 28	31,291 39	561,072 90
Montgomery,	34,018 22	1,387,512 87	2,256 00
Morgan,		28,865 98	
Perry,	162,519 39		41,373 26
Pickens,	58,807 27	93,400 19	4,493 80
Pike,		13,135 62	
Shelby,	2,695 96		
Sumter,	224,418 99	3,083 55	29,884 40
Talladega,	12,924 62	105,167 75	3,089 94
Tallapoosa,		6,778 04	
Tuscaloosa,	21,956 78		11,925 33
Washington,	49,704 04	28,070 80	2,055 55
Walker,		32,756 58	
Wilcox,	64,331 56		11,490 68
Randolph,		61,765 51	
Russell,	1,200 00		
St. Clair,		3,000 00	1,000 00
University Fund,		1,476 69	
Mississippi,	4,764 17	5,331 53	29,323 26
Tennessee,			
Pennsylvania,			
Ohio,			
Georgia,			
	\$2,205,726 02	\$2,315,388 36	\$875,969 56

Classification of the Indebtedness of each County to the Branch Bank at Montgomery.

COUNTIES.	GOOD.	BAD.	DOUBTFUL.
Autauga,	139,814 51	134,549 76	32,756 06
Barbour,	51,133 89	82,321 47	9,375 55
Baldwin,			
Benton,	22,495 63	23,386 26	3,072 95
Bibb,		600 00	
Butler,	32,951 52	58,579 04	14,719 09
Blount,			
Clarke,	4,282 51		
Chambers,	48,414 78	26,978 27	2,340 93
Conecuh,	360 00	2,040 00	2,629 45
Coosa,	101,686 54	41,882 22	1,550 00
Coffee,	356 32		
Cherokee,			
Covington,	225 00		
Dallas,	78,715 31	10,820 00	5,538 42
Dale,	10,730 77	20,415 27	8,704 00
De Kalb,			
Fayette,			
Franklin,			
Greene,	2,000 00		
Henry,	25,846 16	26,818 77	3,317 77
Jackson,			
Jefferson,			
Lawrence,			
Lauderdale,			
Limestone,			
Lowndes,	298,817 96	32,397 75	39,867 31
Madison,			
Marshall,			
Macon	94,216 34	49,993 48	28,807 62
Marengo,	771 59		
Marion,			
Monroe,	12,605 90		
Mobile,	1,259 61	9,810 48	3,626 71
Montgomery	627,887 95	254,022 57	104,852 53
Morgan,			
Perry,	1,635 93		1,000 00
Pickens,		4,020 80	
Pike,	33,119 90	21,354 24	7,687 17
Shelby,	23,285 07	6,300 24	210 81
Sumter,	657 56		
Talladega,	55,769 15	18,480 34	4,242 55
Tallapoosa,	25,076 44	7,815 44	29,747 22
Tuscaloosa,			
Washington,	2,580 50		

Walker,			
Wilcox,	25,954 48	34,489 51	12,580 42
Randolph,	5,209 69	8,520 14	2,394 90
Russell,	42,669 61	6,079 12	5,826 55
St. Clair,	1,204 95		1,000 00
University Fund,			
Mississippi,			
Tennessee,			
Pennsylvania,			
Ohio,			
Georgia,			1,859 44
Total,	\$1,771,735 32	\$861,675 17	\$327,707 45

Total amount due from each county in the State, to the Bank of the State of Alabama, and its several Branches.

Autauga,	\$455,639 12
Barbour,	143,300 91
Baldwin,	38,706 53
Benton,	109,234 79
Bibb,	106,095 92
Butler,	131,102 20
Blount,	170,904 64
Clarke,	202,933 18
Chambers,	81,066 20
Conecuh,	58,934 30
Coosa,	169,058 87
Coffee,	356 32
Cherokee,	28,386 34
Covington,	3,334 27
Dallas,	304,377 41
Dale,	40,850 04
De Kalb,	39,338 64
Fayette,	46,393 09
Franklin,	485,543 97
Greene,	1,252,734 35
Henry,	36,302 70
Jackson,	222,455 17
Jefferson,	94,732 40
Lawrence,	838,149 86
Lauderdale,	218,318 05
Limestone,	425,779 64
Lowndes,	533,858 15
Madison,	896,270 99
Marshall,	178,937 75
Macon,	180,842 44
Marengo,	492,610 30

Marion, ...	61,593	60
Monroe, ...	148,270	54
Mobile, ...	2,681,074	30
Montgomery, ...	1,061,132	25
Morgan, ...	325,372	57
Perry, ...	469,229	89
Pickens, ...	192,445	81
Pike, ...	65,269	31
Shelby, ...	62,246	22
Sumter, ...	614,477	84
Talladega, ...	251,707	34
Tallapoosa, ...	62,939	10
Tuscaloosa, ...	630,420	96
Washington, ...	90,857	67
Walker, ...	46,850	41
Wilcox, ...	255,311	28
Randolph, ...	27,427	04
Russell, ...	58,775	28
St. Clair, ...	49,626	29
University, ...	64,500	00
Mississippi, ...	111,703	90
Tennessee, ...	5,149	64
Pennsylvania, ...	2	00
Ohio, ...	2	50
Georgia, ...	1,859	44

\$15,324,793 78

RECAPITULATION:

TOTAL AMOUNT OF DEBTS—	GOOD.	BAD.	DOUBTFUL.
DUE THE STATE BANK AT TUSCALOOSA,	\$1,064,325 48	753,550 17	1,085,110 61
BRANCH BANK AT DECATUR,	1,396,571 60	1,162,044 28	204,378 60
" " HUNTSVILLE,	991,442 10	242,880 64	66,288 42
" " MOBILE,	2,205,726 02	2,315,388 36	875,969 56
" " MONTGOMERY,	1,771,735 32	861,675 17	327,707 45
Total,	\$7,429,800 52	\$5,335,538 62	\$2,559,454 64
Making the grand total, of.....			

\$15,324,793 78.

ALABAMA, AND ITS SEVERAL BRANCHES.

Names of Members.	MONTGOMERY BANK.		MOBILE BANK.		STATE BANK.		TOTAL.	
	Principal.	Security.	Principal.	Security.	Principal.	Security.	Principal.	Security.
John Steele,	4,473 06	2,171 20		608 38			4,473 06	2,779 58
William L. Yancey,	599 61	1,800 00					599 61	1,800 00
S. Williams,	431 60	1,017 15					431 60	1,017 15
R. S. Hardaway,	348 08						348 08	
Elijah Allen,		2,000 00						2,000 00
William B. Martin,	733 86				877 00		1,590 86	
Joseph Reid,		831 75						831 75
M. D. A. Taylor,		1,534 96						1,534 96
Asa Arrington,	450 00	3,478 17					450 00	3,478 17
James E. Reese,		3,801 06						3,801 06
Charles McLemore,	6,527 20	186 48					6,527 20	186 48
Howell Rose,		1,117 50						1,117 50
H. L. Calloway,		1,916 69						1,916 69
R. S. Hatcher,	3,442 82	3,168 89		1,756 00			3,442 82	4,924 89
George R. Evans,		713 55		1,028 00				1,741 55
James Ward,	231 47							231 47
James Burney,	705 85	19,686 26					705 85	19,686 26
John P. Nall,		504 00						504 00
Walter Drane,	1,000 00	500 00		529 78			1,000 00	1,029 78
Whiting Oliver,	1,842 05	2,291 60	5,076 00				6,918 05	2,291 60
Robert Dougherty,	1,800 00			5,076 00			1,800 00	5,076 00
Samuel C. Oliver,	3,309 56						3,309 56	
John Caffey,	450 00	1,727 89		3,871 68			450 00	5,599 57
John A. Stringer,	145 26						145 26	
Norman McLeod,	671 00	1,302 80					671 00	1,302 80
Samuel Segar,		50 00						50 00
David Owens,	116 97			1,227 40			116 97	1,227 40
Daniel E. Watrous,	752 95	231 00			465 00	236 00	1,217 95	467 00
John Hill,	126 00	888 94	120 00			23 00	246 00	911 94
John W. Bishop,	881 94				374 00		1,255 94	
Goode Bryan,	686 28						686 28	
W. Dear,	240 94						240 94	
John W. Bridges,					218 00		218 00	
	<u>\$31,206 50</u>	<u>\$50,919 89</u>						

	Huntsville Bank.		Mobile Bank.	Decatur Bank.		State Bank,	Total.	
	<i>Prin.</i>	<i>Sec.</i>	<i>Prin.</i>	<i>Prin.</i>	<i>Sec.</i>	<i>Prin.</i>	<i>Prin.</i>	<i>Sec.</i>
P. Frazier,	327 58			642 73	358 98		970 31	358 98
B. Barker,	1,437 20						1,437 90	
Math'l Terry,	12,575 87	309 48	5,000 00	9,675 76	5,021 32	bal 541 79	27,993 42	5,330 80
J. Fleming,	6,140 00		1,824 44	505 00		944 00	9,413 70	
L. Sandidge,	200 00						200 00	
V. M. Griffin,	439 37			261 66			701 04	
	\$21,120 72		\$309 48					

	Mobile Bank.		Decatur Bank.	State Bank.		Total.	
	<i>Prin.</i>	<i>Sec.</i>		<i>Prin.</i>	<i>Sec.</i>	<i>Prin.</i>	<i>Sec.</i>
A. B Moore,	2,538 00	800 00		2,095 00	61 00	4,633 00	861 00
Leoptha Spruill,	638 39			184 00		867 39	
William Taylor,		2,145 16				1,145 16	
G. W. Williams,		450 00				440 00	
John B. Todd,	449 50	240 00				449 50	240 00
L. B. Turner,	867 35	367 20				867 36	367 20
J. D. Webb,		3,065 00					3,065 00
J. C. Whitsitt,		3,472 00					
J. M. Witherspoon,	3,554 00	3,942 61		299 00	673 00	299 00	4,145 00
William S. Phillips,	1,200 00			782 00	9,560 13	4,336 00	13,502 64
Walter R. Ross,	1,009 00	1,463 00			371 00	1,200 00	371 00
T. L. Toulmin,	3,775 64	1,420 63				1,009 00	1,463 00
R. B. Walthall,	5,221 14	5,247 43				3,775 64	1,420 53
J. A. Winston,		5,150 00		8,109 00	7,698 00	13,330 14	12,945 43
W. L. Alston,	392 00						5,150 00
J. Barron,	1,408 00			413 00		805 00	
D. E. Davis,		539 78		791 00		2,199 00	
William D. Dunn,	4,860 75			194 00	47 00	194 00	576 78
					367 00	4,860 75	367 00

	<i>Mobile Bank.</i>		<i>Decatur Bank.</i>		<i>State Bank.</i>		<i>Total.</i>	
	Prin.	Sec.	Prin.	Sec.	Prin.	Sec.	Prin.	Sec.
Churchill Jones,	794 00	3,100 00					794 00	3,100 00
James W. Lang,		600 00						600 00
R. S. Moore,	1,500 00	3,763 79					1,500 00	3,763 79
G. W. Creagh,	630 00						630 00	
Dennis Dent,	571 75				4,859 00	16,067 88	5,430 75	16,067 88
Moses Kelly,	810 29				399 00	3,402 88	1,189 29	3,402 88
William B. Moores,	15,656 00	4,680 00			1,747 00		17,403 00	4,680 00
	<u>\$57,941 25</u>	<u>54,532 14</u>						

M. T. P. Brindley,	2,703 00						2,703 00	
Benjamin Hudson,	1,330 20				450 00		1,780 20	
T. W. Walker,	4,015 34	5,080 00					4,015 34	5,080 00
Thomas Wilson,	2,060 26						2,060 26	
Enoch Aldridge,	450 00	334 00					150 00	334 00
Archer Campbell,		761 27						761 27
Nathaniel Davis,	346 52						346 52	
Jonathan Douglass,	960 00						960 00	
Jordan Fletcher,	49 51						49 51	
Josiah Hill,	219 62						219 62	
D. C. Humphreys,	917 74						917 74	
David Hubbard,	16,044 84	1,918 34					16,044 84	1,918 34
L. E. McMillion,	99 92						99 92	
Matthew W. Troup,		1,393 54						1,393 54
Henry F. Scruggs,	848 42				266 44	289 00	1,114 86	289 00
Waddy Tate,	822 43						822 43	
James Williams,		337 37						337 37
	<u>\$42,152 95</u>	<u>15,204 82</u>						

	<i>State Bank.</i>		<i>Total.</i>	
	Prin.	Sec.	Prin.	Sec.
Jabez Mitchell,	1,007 30		1,007 30	
John W. Cobb,	163 00		163 00	
L. G. McMillion,	238 00	702 00	238 00	702 00
William S. Mudd,	47 00		47 00	
Thomas A. Walker,		627 00		627 00
W. D. Dunn,		733 00		733 00
P. Hill,		1,186 00		1,186 00
J. D. Johnson,		19 00		19 00
B. W. Huntington,		5,000 00		5,000 00
	\$25,660 79 47,062 89		\$177,965 21 168,030 72	

H. P. DOUTHITT, Clerk of the Committee.

Mr. Toulmin, from the State Bank committee, to which was referred the petition of the citizens of township thirteen, range twenty-four, in the county of Macon, asking the passage of a law compelling the Bank in which the school funds of said township are deposited, to loan the same to the citizens thereof, reported that it is inexpedient to legislate on the subject; in which report the Senate concurred.

Mr. Foster, from the judiciary committee, to which was referred a bill entitled an act in relation to election returns, reported the bill back to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Toulmin, from the State Bank committee, to which was referred a resolution instructing them to inquire into the matter relating to suits being instituted by the Governor against the President and Directors of the Bank of the State of Alabama, and that the President and Directors be permitted to appear before the committee in their defence, have, according to order, had the subject under consideration, while the President and Directors of the State Bank were present; and inasmuch as suits of a similar nature have been instituted against the President and Directors of some, if not all of the branch Banks, who have not had the same opportunity of appearing before the committee in their defence, the committee have instructed me to report, that they consider it inexpedient to give any expression of opinion on the subject; and ask that they be discharged from the further consideration thereof.

In which report the Senate concurred.

Mr. Phillips, from the select committee, to whom was referred a bill to be entitled an act to incorporate the Jackson county Guards, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Toulmin, from the select committee, to which was referred a bill to be entitled an act to amend an act to incorporate the Mobile Navigation and Insurance company, reported, that they have amended the same as therein shewn, and thus amended, recommended its passage.

Which amendment was concurred in, the rule suspended, the bill read a third time, and passed.

Mr. Phillips introduced a bill of the following title, to wit:

A bill to be entitled an act for the relief of Polly Rosser; which was read, the rule suspended, read the second and third times, and passed.

Mr. Burney introduced a bill of the following title, viz:

A bill to be entitled an act to change the time of holding the circuit courts of the second judicial circuit.

On motion of Mr. Phillips, the rule was suspended, the bill was read the second and third times, and passed.

Mr. Walker, from the judiciary committee, made the following report; which was adopted:

The committee on the judiciary, to which was referred the petition of the Golightly family, praying the passage of a law to sell the real and personal estate of James Golightly, who is reported to be insane, reported that it is inexpedient to grant the prayer of the petitioners: first—Because all the parties interested do not petition, or desire a sale; secondly,—Because a court of Chancery is the proper place to apply to take jurisdiction of insane persons and their estates.

Mr. Moores, from the select committee, to which was referred a bill to be entitled an act to create a new county, reported the following amendment, and recommended its passage:

Strike out all of the first section after the words "to wit," and insert the following: "Beginning at the point where the township line between townships eight and nine cross the Tombigbee river; thence north with the meanderings of said river, following its course to where it is intersected by the township line dividing township thirteen and sixteen; thence west, along said line to where it intersects the Mississippi line, taking off two rows of townships from the county of Sumter; thence south, along the Mississippi line to where it is intersected by the township line running due west from the beginning; thence due east along the said last mentioned line to the first mentioned starting point, cutting off the north end of Washington county five rows of townships."

The report and bill were laid on the table.

Mr. Walker, from the judiciary committee, to which was referred the petition of sundry citizens of Clarke county, asking the General Assembly to re-enact the fee bill of office, which was repealed by the last session: also to allow constables, in the county of Clarke the same commissions that are now allowed sheriffs for collecting money, reported, that it is inexpedient to legislate on the subject.

Mr. Walker, from the judiciary committee, to which was referred the petition of Samuel S. Graham, praying a repeal or modification of the patrol law in and for the county of Coosa, reported, that it was inexpedient to grant the prayer of the petitioner; in which report the Senate concurred.

Mr. Walker, from the judiciary committee, to which was referred an

engrossed bill from the House of Representatives, entitled an act to regulate the proceedings of justices' courts, in the county of Randolph, reported the bill back to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Walker, from the judiciary committee, to which was referred a bill to be entitled an act to repeal the first section of an act therein named, reported, that it is inexpedient to pass the bill; in which report the Senate concurred.

Mr. Toulmin, from the select committee, to which was referred an engrossed bill, entitled an act to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same, reported the following amendments:

First,—To come in at the end of the fifth section: *Provided*, One of said common councilmen shall reside in each of the several wards.

Second,—In the seventh section, strike out "two, nor more than three thousand," and insert, "fifteen, nor more than twenty-two hundred."

The bill was read a third time, and passed.

Mr. Hudson, from the committee on accounts and claims, to which was referred the joint resolutions to appoint an agent to take charge of claims against the United States, reported the same back to the Senate without amendment.

Mr. Fleming introduced the following resolution:

Resolved, by the Senate, that with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Friday night next, at half after six o'clock, for the purpose of electing a President and two Directors for the Branch of Bank of the State of Alabama at Mobile: also a President and two Directors for the Branch Bank at Huntsville.

Which, on motion of Mr. Winston, was laid on the table.

Mr. Winston moved to take from the table, the bill entitled an act to create a new county. The question being on the amendment of the committee, it was on motion of Mr. Moores, laid on the table for one hour.

The hour of eleven having arrived, the Senate proceeded to the orders of the day.

A bill to be entitled an act to provide for a full and equitable assessment of taxes for the City of Mobile. was read a second time, rule suspended, read a third time, and passed.

A bill to be entitled an act to incorporate the Rocky Mount Academy, in the county of Lowndes. was read a second time, and ordered to be engrossed for a third reading:

Engrossed bill to be entitled an act to incorporate the town of Sumterville, in Sumter county, was read a third time, and passed:

Engrossed bill entitled an act to explain an act passed the thirteenth of February, eighteen hundred and forty three, declaring Chattooga river a public highway, &c., was read a third time, and passed:

Engrossed bill entitled an act to regulate the commissions of the register in Chancery at Mobile, was read a third time, and lost:

Engrossed bill to be entitled an act explanatory of an act therein named, was read the third time, and passed:

Engrossed bill entitled an act to fix the time of holding the circuit courts in the fifth judicial circuits:

Mr. Wilson, by way of engrossed ryder, offered the following amendment:

Provided, This act shall not take effect until the first day of July next; which was adopted.

On the passage of the bill the yeas and nays were demanded—yeas 19, nays 10.

YEAS—messrs. Arrington, Bishop, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Kelly, King, McAlpin, McClanahan, Moores, Oliver, Reese, Walker of B. Walthall, Ward and Winston.

NAYS—messrs. President, Burney, Dougherty, Hardaway, Marchbanks, McVay, Toulmin, Walker of L. Watrous, and Wilson.

The bill as amended was passed.

Engrossed bill entitled an act for the benefit of the military academy, at Eufaula, was read the third time and passed.

Engrossed bill entitled an act to authorize Jacob C. Jordan to remove the property of his infant daughter, from the county of Marengo, in this State, to the State of Kentucky, was read the third time, and passed.

Engrossed bill entitled an act explanatory of the laws prohibiting the sale of spirituous liquors by retail, was read a third time, and passed.

Engrossed bill from the House, entitled an act to incorporate the town of Huntsville, was read the third time, and passed.

Engrossed bill from the House, entitled an act for the relief of James Burroughs, from the purchase of a certain sixteenth section, in the county of Clarke, was read a third time, and passed.

Engrossed bill from the House, entitled an act for the relief of Larkin Poe.

On the passage of the bill, Mr. Hudson demanded the yeas and nays—yeas 8, nays 20.

YEAS—messrs. President, Dent, Dougherty, Fleming, Hardaway, King, Marchbanks and Moores.

NAYS—messrs. Arrington, Bishop, Brindley, Creagh, Foster, Hudson, Kelly, McAlpin, McClanahan, McVay, Oliver, Reese, Toulmin, Walker of B. Walker of L. Walthall, Ward, Watkins, Watrous, and Wilson.

The bill was lost.

Engrossed bill from the House, entitled an act to secure the records of the Orphan's court of Dale county, was read the second time, and ordered to a third reading.

Engrossed bill from the House, entitled an act for the relief of Sarah Ann Black, of Wilcox county.

On the passage of the bill, the yeas and nays were demanded—yeas 15, nays 15.

YEAS—messrs. Brindley, Creagh, Dent, Dougherty, Foster, Hardaway, Kelly, King, McVay, Moores, Oliver, Phillips, Toulmin, Walker of L. Walthall and Yancey.

NAYS—messrs. President, Arrington, Bishop, Burney, Creagh, Fleming, Hudson, McAlpin, McClanahan, Reese, Walker of B. Ward, Watkins, Wilson and Winston.

The bill was lost.

Engrossed bill from the House, entitled an act to locate permanently the county site for the county of Cherokee, and for other purposes, was read a third time and passed.

Engrossed bill from the House, entitled an act to assess and collect a county tax for the counties of Macon and Montgomery, was read a second time, and ordered to a third reading.

Engrossed bill entitled an act to incorporate Lafayette, in Chambers county, was read a second time and ordered to a third reading.

Engrossed bill from the House, to legalize a sale of lots in the town of Columbia, in Henry county, and for other purposes, was read the second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to require the clerks to certain counties therein named to make out and keep a reversed index of the several books of their offices, was read a second time and ordered to a third reading.

Engrossed bill from the House, entitled an act to alter and amend the patrol law, now in force, in certain counties therein named, was read a second time, and ordered to a third reading.

Engrossed bill from the House, to be entitled an act concerning the administration of the estate of Wm. L. C. Nassman, deceased, was read a second time, and ordered to a third reading.

Engrossed bill from the House, for the relief of Catharine Welch, of Morgan county, was read a second time, and on ordering the bill to a third reading, the yeas and nays were demanded—yeas 13, nays 16.

YEAS—Messrs. Brindley, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, McClanahan, Moores, Oliver, Walker of L. Walthall and Wilson.

NAYS—messrs. President, Arrington, Bishop, Burney, Creagh, Hudson, King, Marchbanks, McAlpin, McVay, Reese, Walker of B. Ward, Watkins, Winston and Yancey.

The bill was lost.

Mr. Moores called from the table the engrossed bill entitled an act to create a new county to be called Pushmatahaw, and the amendments, as reported by the committee, were concurred in.

Mr. Dougherty moved to fill the blanks with McVay, which was lost, and the blanks were then filled with Pushmatahaw.

On the passage of the bill, the yeas and nays were demanded—yeas 25, nays 6.

YEAS—Messrs. President, Bishop, Brindley, Burney, Creagh, Dent, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Moores, Oliver, Phillips, Walker of L. Walthall, Ward, Watkins, Wilson, Winston and Yancey.

NAYS—Messrs. Arrington, Dougherty, McVay, Toulmin, Walker of B. and Watrous.

And the bill passed.

Engrossed bill from the House, entitled an act to incorporate the Lafayette Mechanics' Literary and Benevolent Association, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to restore James Patterson, of the county of Franklin, to citizenship, was read a second time, the rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to authorize the Judge of the county court and commissioners of roads and revenue of Randolph county, to levy a special tax, was read a second time and ordered to a third reading.

Engrossed joint resolutions from the House, for the relief of Isaac Swan, tax collector of Sumter county, was read a second time, and ordered to a third reading.

Engrossed bill from the House, entitled an act in relation to the fees of certain officers in Baldwin county, was read a second time, and ordered to a third reading.

Engrossed bill from the House, entitled an act to declare the Patsaliga river a public highway, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act repealing the law incorporating the town of Clayton, in Barbour county, was read a second time and ordered to a third reading.

Engrossed joint resolutions from the House, in relation to sixteenth section debtors, was read the second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to annex to the city of Montgomery a piece of land therein described, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, for the relief of Margery Brame and others, was read a second time, and on ordering the bill to a third reading,

Mr. Terry called for the yeas and nays—yeas 14, nays 18.

YEAS—Messrs. Brindley, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, Moores, Oliver, Phillips, Walker of L. Walthall and Yancey.

NAYS—Messrs. President, Arrington, Bishop, Burney, Creagh, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Reese, Walker of B. Ward, Watkins, Watrous, Wilson and Winston.

The bill was lost.

A bill to be entitled an act in relation to election returns, was reported by Mr. Walthall, with amendments, which were adopted.

Mr. McClanahan moved to strike out the third section of the bill, which was lost; the rule was suspended, the bill and amendments read a third time and passed.

A message from the House:

Mr. President—The House of Representatives concur in the resolution of the Senate proposing to go into the election of a State Printer and Judge of the county court of Dale county, on this day, at three o'clock, and have amended the same by striking out "three" and inserting "half-past six o'clock, this evening."

The amendment was concurred in.

Engrossed bill from the House, entitled an act to divorce certain persons therein named, was read a second time, and referred to the committee on divorce and alimony.

Mr. Moores, from the committee on divorce and alimony, to which was referred a bill divorcing Irvin Register from his wife Mary Register, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

The Senate then adjourned until three o'clock P. M.

SENATE CHAMBER, EVENING SESSION, January 11th, 1844.

Engrossed bill from the House, entitled an act for the support of paupers in the county of Shelby, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to regulate the fees of the Judge of the county court of Monroe county, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to authorize the commissioners of roads and revenue, together with the county Judge, to levy a tax to pay for the building of a court house in Russell county, was read a second time.

Engrossed bill from the House, entitled an act to authorize Joseph Maharry to erect gates across a certain road therein named, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to authorize the sheriff of Walker county to perform constables' business, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to authorize William Spear and his associates to erect a toll bridge across the Conecuh river, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to incorporate the Greensborough Cavalry Company, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones'

Bluff, was read a second time, amended by Mr. McAlpin, rule suspended, bill and amendments read a third time and passed.

Engrossed bill entitled an act to authorize Charles McCardin and his associates to build and enjoy a fish trap, at the Weduska shoals, in Coosa river, was read a second time, and on ordering it to a third reading was lost.

Engrossed bill from the House, to change the time of holding the county court of Russell county, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act for the more effectual preservation of the arms of the State in charge of the first volunteer regiment of Alabama, and for other purposes, was read the third time and passed.

Engrossed bill from the House, entitled an act to repeal an act to alter and amend the road laws, as to the county of Marion, was read a second time, rule suspended, read a third time and passed.

Engrossed bill from the House, entitled an act to regulate the pay of tales jurors in the county of Benton, was read the third time and passed.

Engrossed bill from the House, entitled an act to divorce Elizabeth Halloway from her husband Washington Halloway, was read a second time, and referred to the committee on divorce and alimony.

Engrossed bill from the House, entitled an act to incorporate the Jackson County Guards, was read a third time and passed.

Engrossed bill from the House, entitled an act to regulate the proceedings in Justices' courts in the county of Randolph, was read a third time and passed.

Joint resolutions in relation to claims against the United States, were read, and ordered to be engrossed.

Engrossed bill from the House, entitled an act to divorce Irwin Register from his wife Mary Register, was read a second time and on its passage the yeas and nays were demanded—yeas 25, nays 4.

YEAS—messrs. President, Arrington, Bishop, Brindley, Burney, Hardaway, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Ward, Watkins, Watrous, Winston, Wilson and Yancey.

NAYS—messrs. Creagh, Dent, Dougherty and Foster.

Engrossed bill from the House, entitled an act for the relief of Sarah Ann Black, of Wilcox county, was reconsidered, and the bill placed among the orders of the day.

Mr. Dent moved to take from the table the bill for the relief of Mary Ford and Milly Burton, which was read the third time and passed.

On the passage, the yeas and nays were demanded—yeas 16, nays

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YEAS—messrs. Bishop, Brindley, Dent, Dougherty, Foster, Hard-

sway, King, Marchbanks, Oliver, Phillips, Toulmin, Walker of L. Wal-
thall, Ward, Wilson, Winston and Yancey.

NAYS—messrs. President, Arrington, Burney, Creagh, Hudson, Mc-
Alpin, McClanahan, McVay, Reese, Walker of B. Watkins and Wat-
rous.

A message from His Excellency, by Mr. Garrett, Secretary of State:
Mr. President—His Excellency the Governor, has approved bills of
the following titles, to wit:

An act concerning the circuit court of Dallas county:

Joint resolutions for the relief of Lorenzo Walker and his wife Phere-
ba Walker, of Fayette county:

An act to amend the charter of the marine rail-way and insurance com-
pany of Mobile:

An act to revive and continue in force an act entitled an act to author-
ize the commissioners court of Butler county to levy an additional tax:

An act to incorporate the town of New Lexington, in the county of
Tuscaloosa.

Which bills originated in the Senate.

On motion of Mr. Wilson, the vote on the bill to authorize Charles
McCardin and his associates to build a fish trap, at the Weduska Shoals,
in Coosa river, was reconsidered, and the bill read and passed.

Engrossed bill from the House, entitled an act to levy a special tax in
Franklin county, was read a first time, rule suspended, read a second and
third times, and passed.

Mr. Walker, from the judiciary committee, to which was referred an
engrossed bill from the House, entitled an act to regulate the change of
venue in civil cases; reported the same back to the Senate without amend-
ment, and recommended its passage.

The bill was read a second time, and on ordering it to a third reading
the Senate refused to do so.

Engrossed bill from the House, entitled an act to require an extra term
of the circuit court of Pickens county; which was read the first time,
rule suspended, read the second and third times and passed.

On motion of Mr. Dent, the vote on the bill for the relief of Larkin
Poe, was reconsidered, the bill read again, and passed.

Mr. Yancey, from the select committee, to which was referred a bill
to alter and amend the act incorporating the city of Wetumpka, reported
the same back to the Senate, and recommended its passage.

The bill was read a third time and passed.

Mr. Toulmin, from the State Bank committee, to whom was referred
a resolution requiring Bank Marshals, Sheriffs and Attorneys, and other
persons collecting moneys for the Bank and Branches of the State, to
pay the same over in fifteen days after collection, reported a bill, which
was read the first and second times, and referred to a select committee of
Messrs. Fleming, Walker of B. and Burney.

Mr. Yancey moved to take from the table a bill to repeal the fourth
section of an act entitled an act to regulate the management and expen-
ses of the Bank of the State of Alabama and its several Branches, appro-
ved eleventh February, eighteen hundred and forty-three.

The question being on concurring in the report of the committee, which was that it is inexpedient. The yeas and nays were called for.

Those who voted in the affirmative, are Messrs. President, Dougherty, Fleming, Hudson, McAlpin, McClanahan, Walker of L. and Winston,—9.

In the negative, messrs. Arrington, Bishop, Brindley, Burney, Creagh, Dent, Foster, Hardaway, Kelly, King, Marchbanks, McVay, Moores, Oliver, Phillips, Reese, Walker of B. Walthall, Ward, Watrous, Wilson and Yancey—22.

The bill was then read a third time and passed—yeas 22, nays 9.

YEAS—Messrs. Arrington, Bishop, Brindley, Burney, Creagh, Dent, Foster, Hardaway, Kelly, King, Marchbanks, McVay, Moores, Oliver, Phillips, Reese, Walker of B. Walthall, Ward, Watrous, Wilson and Yancey.

NAYS—Messrs. President, Dougherty, Fleming, Hudson, McAlpin, McClanahan, Toulmin, Walker of L. and Winston.

A message from the House, inviting the Senate into the Hall of the House, for the purpose of going into the election of a Judge of the county court of Dale county, and a State Printer.

The Senate forthwith repaired to the hall, were seated, and the President announced the object of the assembling of the two houses.

The two houses proceeded first, to elect a Judge of the County Court of Dale County.

The names of *Gappa Yelverton* and — *McDonald*, being in nomination:

Mr. Yelverton received one hundred and ten votes, being a majority of all the votes given, was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Dale County, for the term prescribed by the constitution.

Those who voted for *Mr. Yelverton*, are messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Ward, Watrous, Wilson, Winston and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bridges, Bugbee, Caffey, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Dear, Douglass, Drane, Dunn, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartney, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of mad. Morris, Mudd, Norman, Oliver, Rose, Sandidge, Snowden, Spruill, Stringer, Storrs, Sykes, Tate, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. Winston and Witherspoon of the house—110.

Those who voted for *Mr. McDonald*, are messrs. Bryan, Davis of

McLamore, Nall, Portis, Segar, Steele, Taylor and Todd of the house—9.

The two houses next proceeded to elect a State Printer.

The names of *John McCormick*, *M. D. J. Slade*, and *Robert A. Eaton*, being in nomination.

Those who voted for *Mr. McCormick*, are messrs. Bishop, Brindley, Creagh, Fleming, Foster, Hudson, Kelly, Marchbanks, McVay, McClanahan, Toulmin, Walker of B. Walthall, Winston and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan, Caffey, Calloway, Clancey, Clemens, Cook, Cobb, Evans, Fletcher, Garrett, Griffin, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Jones of F. Lang, Lankford, Martin, McCartey, McGriff, McLeod, McMillion of B. McMillion of J. Miree, Moore of B. Moore of mad. Rose, Sandidge, Steele, Stringer, Sykes, Tate, Taylor, Todd, Troup, Walker, Whitsett and Winston of of the house—63.

Those who voted for *Mr. Slade*, are messrs. Arrington, Burney, Dent, Dougherty, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese, Walker of L. Ward. and Wattous of the Senate; and messrs. Anderson, Baldwin, Banks, Barker, Barron, Bugbee, Campbell, Davis of B. Dear, Drane, Dunn, Howard, Jackson of B. J. D. Johnson, R. T. Johnston, McAlpin, McLamore, Mitchell, Mudd, Nall, Oliver, Segar, Snowden, Spruill, Storrs, Trawick, Turner, Webb, Williams of H. and Witherspoon of the house—45.

Those who voted for *Mr. Eaton*, are messrs. President, and Wilson of the senate; and messrs. Davis of L. Douglass, Frazier, Hancock, Harris, Hill of B. Huntington, Meriwether, Morris, Norman, Portis and Williams of J. of the house—14.

Mr. McCormick having received a majority of all the votes given, was declared by Mr. Speaker, duly elected State Printer, for the term prescribed by law.

The Senate withdrew and Mr. President resumed his seat.

Mr. Fleming, from the select committee, to whom was referred a bill to require prompt payment of money collected by Sheriffs, Bank Marshals and other agents, reported the following amendment to the bill, and thus amended recommended its passage:

Strike out the words in the last section, "in money to said Bank or Branch Bank," and insert these words: "over to said Sheriff or Bank Marshal." The amendments were concurred in, and the bill read a third time and passed.

A message from his Excellency, by Mr. Harrison:

EXECUTIVE DEPARTMENT, }
JANUARY 11TH, 1844. }

Gentlemen of the Senate, and House of Representatives:

I have the honor to nominate to your honorable bodies the following named gentlemen, as fit persons as Directors of the Bank of the State

of Alabama, to wit: *James Guild, Lincoln Clark, Reuben Searcy, John Duffee, Joel White, James Hogan and J. R. Drish.*

Also, for the Branch Bank at Montgomery, *Nimrod E. Benson, Ab-salom Jackson, Elisha Y. Fair, Hugh W. Henry, John P. Figh, Jeremiah W. Lofton, Jr. and Barton W. Stone.*

Also, for the Branch Bank at Huntsville, *George Steele, Joseph Rice, Thomas Brandon, Fleming Jordan, George W. Neal, William Echols, and William J. Mastin.*

Also, for the Branch Bank at Decatur, *James M. Comman, Clark T. Barton, Nathan Murphey, John M. Swope, John Hogan, John M. McGaughey, and Paul J. Watkins.*

And also, for the Branch Bank at Mobile, *James S. Deas, Cornelius Robinson, Seaborn Travis, Joseph W. Lessense, William P. Gould, David Stodder, and Joseph Wiswell.*

Which is respectfully submitted.

[Signed,]

BEN. FITZPATRICK.

Mr. Watrous introduced a bill for the relief of Webb Kidd: which was read, and on ordering it to a second reading, was lost.

The yeas and nays being demanded, there were yeas 6, nays 18.

YEAS—Messrs. Dougherty, Hardaway, Kelly, Oliver, Walthall and Watrous.

Those who voted in the negative, are messrs. President, Arrington, Bishop, Brindley, Creagh, Fleming, Foster, Hudson, King, McAlpin, McClanahan, McVay, Reese, Toulmin, Walker of B. Ward, Wilson and Winston.

Mr. McClanahan, from the committee on enrolled bills, reported that they had examined and found correctly enrolled,

An act in relation to certain escheated property in the county of Dallas; also, an act for the relief of Doctor Thomas Moody, of Clarke county.

Mr. Creagh introduced a bill, to be entitled an act to incorporate the Claiborne Female Seminary, in Monroe county; which was read the first time, rule suspended, read the second and third times, and passed.

On motion of Mr. Dent, the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, Friday, January 12, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McClanahan, from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit:

An act in relation to costs of prosecutions in criminal cases, in Mobile county:

An act to compensate Clement C. Clay and J. Withers Clay, for certain services therein named.

red the petition of Lixley Edwards, of Russell county, asking an extension on his notes due township eighteen, range twenty-seven, reported the same as unnecessary to legislate on, the law now giving the remedy asked for; in which the Senate concurred.

Mr. Watkins, from the same committee, to whom was referred the petition of the commissioners of township twenty, range eight, in Talladega county, asking for powers to rescind a certain contract, have instructed me to report that the law giving direct powers, can be found in Clay's Digest, page five hundred and twenty-nine, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee discharged.

Mr. Brindley, from the committee on roads, bridges and ferries, to whom was referred an engrossed bill, to be entitled an act to authorize Nelson H. White and Wilson Burroughs, to turnpike a certain road therein named, reported the same back to the Senate, without amendment, and recommended its passage.

The bill was placed among the orders.

Mr. Brindley, from the same committee, to whom was referred a bill to be entitled an act to repeal a certain act therein named, reported it as inexpedient to pass the same.

In which report the Senate concurred.

Mr. Toulmin, from the State Bank committee, to whom was referred a bill to be entitled an act to provide for the collection of Bank debts from non-residents, have amended the bill as therein shewn, and thus amended, recommended its passage.

The rule was suspended, the bill read a third time forthwith, and passed.

The vote on the passage was reconsidered on motion of Mr. Creagh, the proviso in the bill was stricken out.

Mr. Winston moved to amend further; which was lost.

Mr. Terry moved to lay on the table the bill and amendments; on which motion the yeas and nays were demanded—yeas 9, nays 23.

YEAS—messrs. President, Brindley, Burney, Dougherty, Kelly, McVay, Oliver, Walthall and Yancey.

NAYS—messrs. Arrington, Bishop, Creagh, Dent, Fleming, Foster, Hardaway, Hudson, King, Marchbanks, McAlpin, McClanahan, Moores, Phillips, Reese, Toulmin, Walker of L. Ward, Watkins, Watrous, Wilson and Winston.

A message from His Excellency:

His Excellency has approved bills of the following titles, to wit:

An act in relation to certain escheated property in the county of Dallas:

An act for the relief of Doctor Thomas Moody, of Clarke county; which bills originated in the Senate.

Mr. Hudson, from the committee on accounts and claims, to whom was referred a bill making appropriations to persons for claims against the State, reported the same back with sundry amendments thereto; in which the Senate concurred, and the House informed.

to whom was referred a bill

to be entitled an act to defray the expenses of the State Penitentiary for the year eighteen hundred and forty-four, reported the same back to the Senate, that the object sought to be effected by this bill has been attained by appropriation added to the general appropriation bill from the House of Representatives; concurred in and the committee discharged.

Mr. McVay, from the committee on propositions and grievances, to which was referred the petition of Jesse Tedder, praying to be restored to citizenship, reported it as inexpedient to grant the prayer of the petitioner; in which the Senate concurred.

Mr. Walker, from the judiciary committee, to whom was referred a resolution instructing the committee on the State Bank and Branches, to examine the reports made by the commissioners appointed to examine the State Bank and Branches, for the purpose of ascertaining whether any of the Boards of Presidents and Directors have paid out any sums of money to any Attorneys save the regular Bank Attorney, for their opinions and construction of the laws of the last Legislature in reference to said institutions. Also, if they find that money has been paid to any lawyers, to report if the same has been paid in violation of law.

Your committee have had the resolution under consideration, and have instructed me to report that they have examined the reports of the commissioners, and find no statement by them that any sums of money have been paid to lawyers for their opinions on the construction of certain acts of the last General Assembly; but on examination of the expense accounts of the Huntsville Branch Bank, in the report of the Cashier your committee find that seventy-five dollars was paid to C. C. Clay, Samuel Pete, and James Robinson, attorneys, for their written opinion on the construction of the act of the Legislature placing that Bank in liquidation.

The next subject which your committee is directed to investigate, is, whether such payment is in violation of law. This presents the question whether the Bank has the power to engage the service of more than one attorney to transact its business.

Your committee entertain the opinion that this is no longer an open question to cavil on; it has been adjudicated and settled by our Supreme Court in the case of Martin & Huntington against the State Bank—fourth Alabama Reports, page six hundred and fifteen.

The Chief Justice in pronouncing the opinion of the court, holds that the Board of Directors have the power to employ such professional assistance as the interests of the Bank may require.

The power to do this is very essential, and cannot now be questioned. It is important that they should be invested with authority, for it might so happen that the Bank would require the service of an Attorney at law in another State, or in different counties of this State at the same time, and without this power the business of the corporation might suffer materially.

The thirteenth section of the act placing that Bank in liquidation, gives to the President and Directors full power to employ extra agents to transact special business for the same. In addition to this, an act, approved eleventh February, eighteen hundred and forty-three, gives to the

State Bank and Branches full power to employ an Attorney in each county in the State.

Your committee, from this view of the subject, have come to the conclusion that the Bank on proper occasions, has the power and authority to employ such professional service as the interest of the corporation may require. In expressing this opinion, they do not wish to be understood as approving or disapproving the act of the Board in the payment of this fee to these three counsellors at law.

[Signed,]

THOMAS A. WALKER, Chairman.

Mr. King, from the select committee, to whom was referred a bill to regulate the time of holding the circuit court of Pickens and Sumter counties, have reported that the object contemplated in the bill has been attained by an act granting a special term of the circuit court in the county of Pickens, and asked to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr. Yancey introduced a bill entitled an act for the benefit of Lewis Bishop, of the county of Talladega; which was read a first time, rule suspended, read the second and third times, and passed.

Mr. Storrs, from the committee on divorce and alimony, to which was referred a bill to divorce Elizabeth Holloway from her husband Washington Holloway, reported the bill back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Moores, from the committee on divorce and alimony, to which was referred a bill to divorce certain persons therein named, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Toulmin, from the State Bank committee, to which was referred a bill entitled an act to regulate the Bank of the State of Alabama, so as to pay the interest on the State Bonds, reported that it is inexpedient to pass the same; in which report the Senate concurred.

Mr. Toulmin, from the same committee, begged leave to report that in obedience to a resolution adopted by the Senate, of which the following is a copy, he addressed the Cashiers of the State Bank and its several Branches, and now has the honor of presenting to the Senate the reply of the Cashiers of the Branch Banks.

Resolved, That the proper officer of the State Bank and the different Branch Banks be required to inform the Senate in how many cases they have given indemnifying bonds to the different Sheriffs, and how many suits for the trial of the right of property are now pending, in which said Banks are parties; which report and accompanying communications were laid on the table.

Joint resolutions were read the first time, rule suspended, read a second and third times, and passed.

Mr. Burney offered a bill to change the time of holding courts in Lowndes county; which was read the first time, rule suspended, read the second and third times, and passed.

Engrossed bill, entitled an act to rescind a certain contract of sale be-

tween Meshack Turner and the commissioners of township nineteen, range twenty-five, Tallapoosa land district, was read a third time and passed.

A message from the House of Representatives:

Mr. President—The House of Representatives has passed a bill from the Senate to reduce the salaries of the President, Directors and other officers of the State Bank of Alabama and its several Branches, and for other purposes, and have amended the same as therein shown.

First amended by the House, concurred in by the Senate.

The yeas and nays were demanded—yeas 17, nays 14.

YEAS—messrs. Arrington, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Hardaway, Kelly, King, McVay, Oliver, Phillips, Reese, Walker of B. Ward and Yancey.

NAYS—messrs. President, Bishop, Foster, Hudson, Marchbanks, McAlpin, McClanahan, Moores, Walker of L. Walthall, Watkins, Watrous, Wilson and Winston.

The Senate then adjourned until three o'clock.

EVENING SESSION.

Senate met pursuant to adjournment, and the subject under consideration resumed.

On concurring in the amendments of the House on the ninth, tenth and eleventh sections, the yeas and nays being demanded, there were yeas 12, nays 19.

YEAS—messrs. Arrington, Bishop, Brindley, Creagh, Fleming, Hardaway, Marchbanks, McVay, Oliver, Phillips, Walker of L. and Ward.

NAYS—messrs. President, Burney, Dent, Dougherty, Foster, Hudson, Kelly, King, McAlpin, McClanahan, Moores, Reese, Walker of B. Walthall, Watkins, Watrous, Wilson, Winston and Yancey.

The Senate refused to concur in the amendments.

Mr. Walker of L. offered a proviso, which was rejected by yeas and nays—yeas 12, nays 16.

YEAS—messrs. Burney, Creagh, Foster, King, McAlpin, McClanahan, Oliver, Walker of L. Walthall, Ward, Winston and Yancey.

NAYS—messrs. President, Bishop, Brindley, Dent, Dougherty, Fleming, Hardaway, Hudson, Kelly, Marchbanks, McVay, Phillips, Toulmin, Walker of B. Watrous and Watkins.

Mr. King moved to strike out the words "subject to the limitations and restrictions of the foregoing section," (twelfth section) and insert, "allow such compensation as they may think reasonable and just;" on which the yeas and nays were demanded—yeas 18, nays 14.

YEAS—messrs. President, Arrington, Burney, Dent, Fleming, Foster, Hardaway, Hudson, King, McAlpin, McClanahan, Phillips, Walker of B. Ward, Watkins, Watrous, Wilson and Yancey.

NAYS—messrs. Bishop, Brindley, Creagh, Dougherty, Kelly, Marchbanks, McVay, Moores, Oliver, Reese, Toulmin, Walthall and Winston.

The amendment was adopted, and the bill as amended ordered to be reported to the House.

Mr. McClanahan, from the committee on enrolled bills, have examined, and find correctly enrolled, bills of the following titles:

An act to authorize a portion of the citizens of Henry county, to form a beat or volunteer company, with a less number than forty privates:

An act to authorize the Sheriff of Walker county to perform Constable's business:

An act to authorize William Spear and his associates, to build a toll bridge across the Conecuh river:

An act for the relief of Milly Sample:

An act to incorporate the town of Girard, in the county of Russell:

An act to confer certain privileges on an association therein named, as an inducement to navigate the Cahawba river with steam power:

An act to incorporate the Greensborough Cavalry Company:

An act to be entitled an act to attach a portion of the eighteenth regiment, in Tuscaloosa county, to the seventeenth regiment:

An act to be entitled an act to authorize the duties of Clerk of the circuit and county court of Washington county, to be performed by the same person:

An act to legalize the sale of lots in the town of Columbia, in Henry county, and for other purposes:

An act to be entitled an act to declare the Patsaliga river a public highway:

An act entitled an act to restore James Patterson, of the county of Franklin, to citizenship:

An act to be entitled an act to change the time of holding the commissioners' court of roads and revenue, for the county of Madison:

An act to alter and amend the road laws, as to the county of Marion:

An act to be entitled an act to annex to the city of Montgomery, a piece of land therein described:

An act incorporating the town of Union Springs, in the county of Macon.

Mr. King moved to reconsider the vote taken on the bill for the relief of Margery Brame, and others.

The yeas and nays being called for, there were yeas 10, nays 18.

The Senate refused to reconsider.

YEAS—messrs. Burney, Dent, Dougherty, Foster, Hardaway, King, Marchbanks, Oliver, Toulmin and Yancey.

NAYS—messrs. President, Arrington, Bishop, Brindley, Creagh, Fleming, Hudson, Kelly, McAlpin, McClanahan, McVay, Phillips, Walker of B. Walker of L. Ward, Watkins, Watrous and Winston.

A message from the House of Representatives.

Mr. President—The House has passed a bill to raise a revenue for

the support of the State Government, and to maintain the faith and credit of the State of Alabama.

The bill was then taken up and read a second time.

Mr. Phillips moved to suspend the rule further.

The yeas and nays were demanded, and there were yeas 22, nays 8.

YEAS—messrs. Arrington, Brindley, Burney, Creagh, Dougherty, Fleming, Hardaway, Hudson, Kelly, King, McAlpin, McVay, Oliver, Phillips, Toulmin, Walker of B. Walker of L. Ward, Watkins, Wilson, Winston and Yancey.

NAYS—messrs. President, Bishop, Dent, Foster, Marchbanks, McClanahan, Walthall and Watrous.

Mr. Terry moved to strike out so much of the bill as relates to the classification of lands—yeas 14, nays 16.

YEAS—messrs. President, Bishop, Brindley, Fleming, Foster, Hardaway, Kelly, Marchbanks, McClanahan, Walker of B. Walker of L. Walthall, Watrous and Wilson.

NAYS—messrs. Arrington, Burney, Creagh, Dent, Dougherty, Hudson, King, McAlpin, McVay, Oliver, Phillips, Toulmin, Ward, Watkins, Winston and Yancey.

The Senate refused to strike out.

The Senate then adjourned until half past six o'clock.

NIGHT SESSION.

The Senate met pursuant to adjournment, and the subject under consideration was resumed.

Mr. Walthall offered the following amendment, on which the yeas and nays were demanded:

“And when by reason of its distance from any city or town of navigable water course, any lands liable to taxation, shall be of less value than the class to which the foregoing provisions of this bill, they would be properly assigned, then such lands so diminished in value, shall be taxed at their value, to be estimated by the owner or person giving in the same on oath.”

Yeas 13, nays 14.

YEAS—messrs. President, Bishop, Brindley, Dent, Fleming, Marchbanks, McClanahan, McVay, Toulmin, Walker of B. Walker of L. Walthall and Ward.

NAYS—messrs. Arrington, Burney, Creagh, Dougherty, Hudson, Kelly, King, McAlpin, Oliver, Phillips, Watkins, Winston, Wilson, and Yancey.

Mr. Yancey moved the previous question, and the yeas and nays were demanded—yeas 12, nays 17.

YEAS—messrs. Arrington, Burney, Hudson, King, McAlpin, Oliver, Phillips, Toulmin, Ward, Watkins, Winston and Yancey.

NAYS—messrs. President, Bishop, Brindley, Creagh, Dent, Dough-

erty, Fleming, Hardaway, Kelly, Marchbanks, McClanahan, McVay, Walker of B. Walker of L. Walthall, Watrous and Wilson.

Tha call was not sustained by the Senate.

Mr. Walker of B. offered the following amendment:

Strike out all after the enacting clause, and insert the following:

"That each and every article made the subject of taxation, in an act entitled an act to raise a revenue for the support of the State Government, and for other purposes, approved thirteenth of February, one thousand eight hundred and forty-three, there shall be levied and collected, twenty-five per cent. in addition to the sums required by this act."

Mr. McVay moved to strike out twenty-five per cent, in the above amendments; which was accepted by Mr. Walker.

Mr. Brindley offered the following amendment, to the above amendment:

"And be it further enacted, That on all household furniture over and above three hundred dollars in value, twenty cents on every one hundred dollars worth, to be ascertained on the oath of the party giving in the same. Upon all monies or bank notes owned, one fourth of one per cent."

By Mr. Terry—"Provided, That there is not to be any increase of the white poll tax;" which was accepted by Mr. Walker of B.

Mr. Fleming offered the following, as a substitute for Mr. Perry's proviso:

"Provided however, That there shall be no poll tax levied or collected;" which was lost—yeas 4, nays 25.

YEAS—messrs. Bishop, Brindley, Fleming and Walthall.

NAYS—messrs. President, Arrington, Burney, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Toulmin, Walker of B. Walker of L. Ward, Watkins, Wilson, Winston and Yancey.

The vote was then taken on Mr. Walker's (of B.) amendment, and the proviso offered by Mr. Terry, and accepted by him—yeas 8, nays 22.

YEAS—messrs. President, Bishop, Brindley, Creagh, McClanahan, McVay, Walker of B. and Walthall.

NAYS—Messrs. Arrington, Burney, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, Oliver, Phillips, Toulmin, Walker of L. Ward, Watkins, Watrous, Wilson, Winston and Yancey.

Mr. Wilson moved to reconsider the vote on Mr. Walthall's amendment—yeas 13, nays 16.

YEAS—Messrs. President, Bishop, Brindley, Dent, Foster, Marchbanks, McClanahan, McVay, Toulmin, Walker of B. Walker of L. Walthall and Wilson.

NAYS—Arrington, Creagh, Dougherty, Fleming, Hardaway, Hudson, Kelly, King, McAlpin, Oliver, Phillips, Ward, Watkins, Watrous, Winston and Yancey.

Mr. Walker of L. offered the following amendment:

"That all lands in this State liable to taxation shall be divided into twelve classes: Lands of the first class shall be valued at thirty-five dollars per acre; of the second class, at thirty dollars; third class, twenty-five dollars; fourth class, twenty dollars; fifth class, sixteen dollars; sixth class, twelve dollars; seventh class, eight dollars; eighth class, five dollars; ninth class, three dollars; tenth class, one dollar and fifty cents; eleventh class, one dollar; and the twelfth class at fifty cents per acre."

Which was lost. Yeas 8, nays 20.

YEAS—messrs. Bishop, Marchbanks, McClanahan, McVay, Walker of B. Walker of L. Walthall, Watrous and Winston.

NAYS—messrs. President, Arrington, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Hardaway, Hudson, Kelly, King, McAlpin, Oliver, Phillips, Toulmin, Ward, Watkins, Wilson and Yancey.

Mr. Terry moved to strike out "twenty" and insert "thirty" cents on value of land.

Mr. Walker of B. offered the following as a substitute, which was accepted by Mr. Terry:

"*And be it further enacted*, That each and every article taxed in the foregoing bill, and each and every article in the act to which this is a supplement, there shall be levied and collected on each article ten per cent in addition to the sums now provided."

Which was lost. Yeas 3, nays 27.

YEAS—messrs. President, Walker of B. and Winston.

NAYS—messrs. Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Toulmin, Walker of L. Walthall, Ward, Watkins, Watrous, Wilson and Yancey.

Mr. Walthall offered the following amendment:

"*And be it further enacted*, That all lands, town lots and other property belonging to the State Bank and its Branches, shall be and are hereby exempt from taxation."

Which was lost. Yeas 15, nays 15.

YEAS—messrs. President, Bishop, Brindley, Burney, Creagh, Dent, Foster, Kelly, Marchbanks, McClanahan, McVay, Walker of B. Walker of L. Walthall and Watrous

NAYS—messrs. Arrington, Dougherty, Fleming, Hardaway, Hudson, King, McAlpin, Oliver, Phillips, Toulmin, Ward, Watkins, Wilson, Winston and Yancey.

Mr. Creagh offered the following amendment:

"On negroes under ten years old, twenty five cents; over ten to sixty, seventy-five cents:"

Which was lost. Yeas 11, nays 18.

YEAS—messrs. President, Bishop, Brindley, Creagh, Fleming, McClanahan, Walker of B. Walker of L. Walthall, Wilson and Yancey.

NAYS—messrs. Arrington, Burney, Dent, Dougherty, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McVay, Oliver, Phillips, Toulmin, Ward, Watkins and Winston.

Mr. Winston offered the following:

Strike out "two" and insert "five" on free negroes:

Which was lost. Yeas 6, nays 23.

YEAS—messrs. Bishop, Brindley, Burney, Dent, Fleming and Winston.

NAYS—messrs. President, Arrington, Creagh, Dougherty, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Toulmin, Walker of B. Walker of L. Walthall, Ward, Watkins, Wilson and Yancey.

Mr. Creagh offered the following amendment, which was lost:

"There shall be elected, on the first Monday in August, an overseer for each county in this State, whose duty it shall be to assess the taxes according to the existing laws."

The yeas and nays were called for. Yeas 8, nays 20.

YEAS—messrs. Bishop, Brindley, Creagh, Foster, Toulmin, Walker of B. Walker of L. and Walthall.

NAYS—messrs. President, Arrington, Dent, Dougherty, Fleming, Hardaway, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Ward, Watkins, Watrous, Wilson, Winston and Yancey.

On ordering the bill to a third reading, there were yeas 18, nays 12.

The bill was then ordered to be read a third time.

Those who voted in the affirmative, are messrs. Arrington, Burney, Creagh, Dougherty, Fleming, Hardaway, Hudson, Kelly, King, McAlpin, Oliver, Phillips, Toulmin, Ward, Watkins, Wilson, Winston and Yancey.

In the negative, are messrs. President, Bishop, Brindley, Dent, Foster, Marchbanks, McClanahan, McVay, Walker of B. Walker of L. Walthall and Watrous.

Mr. Yancey offered the following resolution, which was adopted:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Secretary of State is hereby authorized to prepare an index for the Journals of the present session of the General Assembly, and to have the same annexed in a printed form to said Journals.

The joint resolution was ordered to be engrossed and the House informed thereof. Yeas 23, nays 6.

YEAS—messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, King, Marchbanks, McVay, Oliver, Phillips, Walker of B. Walker of L. Walthall, Ward, Winston and Yancey.

NAYS—messrs. Hudson, McAlpin, McClanahan, Toulmin, Watrous and Wilson.

Mr. Dougherty called from the messages a bill to be entitled an act to amend an act to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Railroad Company; which was read a first time.

On motion of Mr. King, the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, Saturday, January 13, 1844.

The Senate met pursuant to adjournment.

Mr. Toulmin, from the State Bank committee, to which was referred so much of the Governor's message as relates to the State Bank and Branches, reported that the various bills which have been reported by order of the committee, embrace the subject matter of this portion of His Excellency's message, and ask to be discharged from the further consideration of the same.

The committee were discharged.

Mr. Toulmin, from the State Bank committee, to whom was referred so much of the Governor's message as relates to the Planters' and Merchants' Bank of Mobile, reported that a bill has been reported to the Senate, embracing that portion of His Excellency's message which relates to the said Planters' and Merchants' Bank, and they therefore ask to be discharged from the further consideration of the same.

The committee was discharged.

Mr. President laid before the Senate the report of the Adjutant and Inspector General of the State of Alabama, for the year one thousand eight hundred and forty-three, which was laid on the table.

Mr. Terry introduced a bill to be entitled an act to exempt from taxation the property belonging to this State; which was read the first time, rule suspended, read the second and third times and passed.

Mr. Wilson introduced a bill to be entitled an act to authorize and require the President and Directors of the Branch Bank at Huntsville, to consummate a certain contract; which was read the first time, rule suspended, read a second and third times, and passed.

Engrossed bill from the House, entitled an act, to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point rail road company, was then taken up.

Mr. Terry moved to postpone the bill indefinitely; on which the yeas and nays were demanded. The Senate refused to postpone indefinitely. Yeas 8, nays 18.

YEAS—messrs. President, Dent, Hudson, Marchbanks, McClanahan, McVay, Winston and Yancey.

NAYS—messrs. Arrington, Bishop, Brindley, Burney, Creagh, Dougherty, Fleming, Foster, Hardaway, King, Oliver, Phillips, Reese, Toulmin, Walcott, Ward, Watkins and Wilson.

Mr. Dougherty moved to suspend the rule, and have the bill read the third time.

The yeas and nays being demanded, there were—yeas 19, nays 7.

There not being the constitutional number requisite, the bill was not suspended:

Those who voted in the affirmative, are messrs. Arrington, Bishop, Brindley, Burney, Creagh, Dougherty, Fleming, Foster, Hardaway, Hudson, King, Oliver, Phillips, Reese, Toulmin, Walker of B. Walthall, Watkins and Wilson.

In the negative, are messrs. President, Marchbanks, McAlpin, McClanahan, McVay, and Walker of L.

On ordering the bill to a second reading on to-morrow, the yeas and nays were demanded, there were—yeas 16, nays 10.

YEAS—messrs. Arrington, Bishop, Brindley, Burney, Creagh, Dougherty, Fleming, Foster, Hardaway, Oliver, Reese, Toulmin, Walthall, Watkins and Wilson.

NAYS—messrs. President, Dent, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Walker of L. and Yancey.

The bill was ordered to a second reading.

The following message from the House was then taken up.

Mr. President—The House has passed a bill from the Senate, to incorporate the Clairborne female seminary, in Monroe county.

A bill for the relief of Milly Burton, and others.

The revenue bill was then taken up, and on motion of Mr. Yancey, the blank in the first section was filled with half per cent.

Mr. Dougherty moved to reconsider the vote, on ordering the bill to a third reading—yeas 12, nays 17.

YEAS—messrs. President, Bishop, Brindley, Dent, Dougherty, Fleming, Foster, Marchbanks, McClanahan, Reese, Walker of L. Walker of B. Walthall and Wilson.

NAYS—messrs. Arrington, Burney, Creagh, Hardaway, Hudson, Kelly, King, McAlpin, McVay, Moores, Oliver, Phillips, Toulmin, Ward, Watkins, Winston and Yancey.

Mr. Fleming, moved to postpone the matter under consideration, for the purpose of taking up the resolution from the House, to rescind the resolution on adjournment, which was lost—yeas 13, nays 19.

YEAS—messrs. President, Bishop, Brindley, Dent, Fleming, Foster, Marchbanks, Walker of B. Walker of L. Walthall, Watrous, Wilson and Winston.

NAYS—messrs. Arrington, Burney, Creagh, Dougherty, Hardaway, Hudson, Kelly, King, McClanahan, McAlpin, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Ward, Watkins and Yancey.

The bill was then read a third time, and on its passage, the yeas and nays were demanded—yeas 17, nays 15.

YEAS—messrs. Arrington, Burney, Creagh, Dougherty, Hudson, Kelly, King, Marchbanks, McAlpin, Moores, Oliver, Phillips, Toulmin, Ward, Watkins, Winston and Yancey.

NAYS—messrs. President, Bishop, Brindley, Dent, Fleming, Foster,

Hardaway, McClanahan, McVay, Reese, Walker of B. Walker of L. Walthall, Watrous and Wilson.

The House was informed.

Mr. McClanahan, from the committee on enrolled bills, reported that they have examined, and find correctly enrolled, bills of the following titles, viz.:

An act to authorize Joseph Maharry, to erect gates across a certain road therein named:

Joint resolutions in relation to sixteenth section debtors:

An act to regulate the pay of tales jurors in the county of Benton:

An act to regulate the fees of the judge of the county court of Monroe county:

An act to regulate the proceedings in justices courts, in the county of Randolph:

An act to authorize the commissioners of roads and revenue, together with the county judge, to levy a tax to pay for the building of a court house in Russell county:

An act to incorporate the Alabama Female Seminary, in Monroe county:

An act to provide for the taking of the census of the State of Alabama, for the year one thousand eight hundred and forty-four, and for other purposes:

An act to rescind a certain contract therein described, made between Meshack Turner, and the school commissioners of township nineteen, range twenty-five, in the Tallapoosa land district:

An act incorporating the town of Dayton, in Marengo county:

An act to compensate the sheriff of Sumter county for ex-officio services:

An act to authorize Abraham Shanklin to emancipate a certain slave therein named:

An act relating to the duties of clerks of courts and registers in Chancery in Sumter county:

—An act to restrict the corporate limits of the town of Allenton, in Wilcox county, and for other purposes:

An act to explain an act therein named:

An act to compensate Robert Fenner and Thomas B. Jones, for labor done and performed under Executive appointment:

An act to reduce the compensation of the sheriff of Tuscaloosa county, for attending on the Supreme court:

An act to rescind a certain contract for a purchase of part of section sixteen, township nineteen, range three, east, in Talladega county:

An act for the relief of Mary Ford, Milly Burton, and others.

Engrossed bill, entitled an act to incorporate the Rocky Mount Academy, in the county of Lowndes, was read a third time and passed.

Mr. Fleming offered the following resolution:

Be it resolved by the Senate and House of Representatives in General Assembly convened, That the law now in force to raise a revenue for the State of Alabama, be and the same is hereby declared to

be in full force, and shall be the tax for the year one thousand eight hundred and forty-four.

And be it further resolved, That the President and Directors of the State Bank, and the President and Directors of the several Branches Branches, make the most advantageous arrangements they can for the payment of the interest accruing on the bonds sold, for their respective capitals, after the faithful application of all the specie and residue of the revenue, after the payment of the current expenses of the State Government.

Engrossed joint resolutions relative to claims against the United States, was read a third time, and on its passage the yeas and nays were demanded—Yeas 11, nays 21.

YEAS—Messrs. President, Bishop, Fleming, Foster, Marchbanks, Toulmin, Walker of B. Watkins, Wilson, Winston and Yancey.

NAYS—Messrs. Arrington, Brindley, Burney, Creagh, Dent, Dougherty, Hardaway, Hudson, Kelly, King, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Walker of L. Walthall, Ward and Watrous.

The joint resolutions were lost.

Engrossed bill from the House, entitled an act to assess and collect a county tax for the counties of Macon and Montgomery, was read a third time and passed.

Engrossed bill entitled an act to secure the records of the orphans' court of Dale county, was read a third time and passed.

Engrossed bill from the House, entitled an act to incorporate Lafayette, in Chambers county, was read a third time and passed.

Engrossed bill from the House, entitled an act to require the clerks of certain counties therein mentioned to make out and keep a reversed index to the several books of their offices, was read a third time and passed.

Engrossed bill from the House, entitled an act to alter and amend the patrol law, now in force in certain counties therein named, was read a third time and passed.

Engrossed bill from the House, entitled an act concerning the administration of the estate of Wm. S. Chapman, deceased, was read a third time and passed.

Engrossed bill from the House, entitled an act to authorize the Judge of the county court and commissioners of roads and revenue of Randolph county, to levy a special tax, was read a third time and passed.

Engrossed joint resolutions from the House, for the relief of Isaac Swan, of Sumter county, was read a third time and passed.

Engrossed bill from the House, entitled an act in relation to the fees of certain officers in Baldwin county, was read a third time and passed.

Engrossed bill from the House, entitled an act to repeal the law incorporating the town of Clayton, in Barbour county, was read a third time and passed.

Engrossed bill entitled an act for the relief of Sarah Ann Black, of Wilcox county, was read a third time and passed; and on its passage the yeas and nays were called for. Yeas 17, nays 13.

YEAS—Messrs. Brindley, Dent, Dougherty, Foster, Hardaway, Kelly, King, Marchbanks, McVay, Moores, Oliver, Phillips, Toulmin, Walker of L. Walthall, Ward and Yancey.

NAYS—Messrs. President, Arrington, Bishop, Creagh, Hudson, McAlpin, McClanahan, Reese, Walker of B. Watkins, Watrous, Wilson and Winston.

On motion to adjourn, the yeas and nays were called for. Yeas 22, nays 5.

YEAS—Messrs. President, Arrington, Bishop, Brindley, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Oliver, Toulmin, Walker of L. Walthall, Ward, Watkins and Wilson.

NAYS—Messrs. Burney, McVay, Moores, Phillips, Walker of B. Watrous, Winston and Yancey.

The Senate adjourned until three o'clock p. m.

EVENING SESSION, January 13, 1844.

The Senate met pursuant to adjournment.

Mr. McClanahan, from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit:

An act to change the time of holding the county court of Russell county:

An act to levy a special tax in Franklin county:

An act to authorize Charles McCardin and his associates to build and enjoy a fish trap, at the Weduska shoals, in Coosa river:

An act for the relief of James Burroughs from the purchase of a certain sixteenth section in the county of Clarke:

An act to require an extra term of the circuit court of Pickens county:

An act for the relief of Larkin Poe:

An act to incorporate the Lafayette Mechanics' Literary and Benevolent Association:

An act to alter and amend an act incorporating the city of Wetumpka, and establishing a city court therein, passed thirtieth January, one thousand eight hundred and thirty-nine:

An act to divorce Irvin Register from his wife Mary Register:

An act to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same.

Engrossed bill from the House, entitled an act to authorize Nelson H. White and Richard Burroughs to turnpike a certain road therein named, and for other purposes, was read a third time, and on the passage of the bill the yeas and nays were demanded. Yeas 17, nays 4.

YEAS—Messrs. President, Arrington, Bishop, Brindley, Creagh, Dougherty, Hudson, McClanahan, McVay, Oliver, Phillips, Reese, Walker of B. Ward, Watkins, Wilson and Yancey.

NAYS—Messrs. Dent, Fleming, Kelly and McAlpin.

The bill was passed.

Engrossed bill from the House, entitled an act to divorce Elizabeth Holloway from her husband Washington Holloway, was read a third time, and on its passage the yeas and nays were demanded. Yeas 23, nays 5.

YEAS—messrs. President, Arrington, Bishop, Brindley, Burney, Fleming, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Toulmin, Walker of B. Ward, Watkins, Wilson and Winston.

NAYS—messrs. Creagh, Dent, Dougherty, Foster and Reese.

And the bill passed.

Engrossed bill from the House, entitled an act to divorce certain persons therein named, was read a third time, and on the passage of the bill the yeas and nays were demanded. Yeas 23, nays 3.

YEAS—messrs. President, Arrington, Bishop, Brindley, Dougherty, Fleming, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Toulmin, Walker of B. Ward, Watkins, Wilson and Yancey.

NAYS—messrs. Creagh, Dent and Foster.

Mr. Hudson, from the joint committee appointed by the Senate and House of Representatives to examine the affairs and report the situation of the respective officers of the Comptroller of Public Accounts and of the State Treasurer, have directed me to report to the Senate the result of their investigations.

The committee commenced the discharge of their duties by comparing the warrants drawn by the Comptroller of Public Accounts, and the duplicates of the checks drawn by the State Treasurer upon the funds appropriated by law, and the registration of them in the respective offices, most thoroughly and minutely.

This comparison exhibits an exact correspondence between the Comptroller's drafts and the Treasurer's checks.

The next subject of inquiry was to ascertain whether the Comptroller's drafts were provided for under the past appropriations for the fiscal year, beginning November twenty-seventh, one thousand eight hundred and forty-two, and ending November twenty-sixth, one thousand eight hundred and forty-three, all of which were correct. The claims and allowances are all legally authenticated, and carry with them an evidence of a discriminating economy, being exercised by the Comptroller of Public Accounts. The returns of the assessments of the taxes for the year one thousand eight hundred and forty-three, are duly registered, and correct copies made out as far as they have been received.

The committee declined examining the partial returns of the tax collectors of the several counties. The returns are incomplete as yet, and

in fact few of them made any returns during the fiscal year one thousand eight hundred and forty-three, consequently this matter was left for the committee, which may be appointed by the ensuing Legislature, when the returns shall have been completed, and a detailed exhibit can be furnished by the respective assessments, and the collections which may be made upon them.

The committee have instructed me to say to the Senate, that the faithful and attentive manner in which the Comptroller of Public Accounts and the State Treasurer, have discharged the duties of their offices, and the neatness and accuracy with which they have conducted the public business, recommends them to the favorable consideration of the General Assembly, as capable and trustworthy officers.

All of which your committee beg leave most respectfully to submit.

[Signed,]

BENJ. HUDSON,

Chairman on the part of the Senate.

JOHN W. PORTIS,

Chairman on the part of the House.

Mr. Phillips introduced a bill to be entitled an act explanatory of a revenue act passed in January, one thousand eight hundred and forty-four; was read a first time, rule suspended, read a second and third times, and passed.

Mr. Yancey introduced a bill to be entitled an act for the relief of Charles G. McMurray; was read the first time, rule suspended, read the second time.

Mr. Creagh offered the following amendment:

"Provided further, That in no case after the passage of this act, shall the pardoning power of the Governor be restricted, any law to the contrary, notwithstanding."

Upon which the yeas and nays were demanded. Yeas 14, nays 15.

YEAS—messrs. President, Arrington, Bishop, Brindley, Creagh, Dougherty, Fleming, Hardaway, McAlpin, Phillips, Walker of B. Walker of L. Ward and Yancey.

NAYS—messrs. Burney, Dent, Dougherty, Hardaway, Marchbanks, McVay, Reese, Toulmin, Walthall, Watkins, Watrous, Wilson and Winston.

The amendment was lost, the rule suspended, the bill read a third time, and passed.

Mr. Fleming introduced a bill to authorize the Huntsville Bank to receive bills on New Orleans.

Mr. Hudson in the chair, decided that the bill was not in order.

Mr. Terry appealed from the decision, and demanded the yeas and nays.

The decision of the chair was sustained—yeas 23, nays 5.

YEAS—messrs. Arrington, Bishop, Creagh, Dougherty, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClana-

han, McVay, Oliver, Phillips, Walker of B. Walker of L. Ward, Watkins, Watrous, Wilson and Winston.

NAYS—messrs. President, Brindley, Fleming, Toulmin and Yaucey.

Message from the House:

Mr. President—The House of Representatives concurs in the amendments made by the Senate, to the bill making appropriations for the payment of certain claims against the State, except the amendment striking out the appropriation to James Orear, Archibald Rutherford, and Isaac Rutherford.

The House refused to concur in said amendment.

On motion of Mr. Phillips, the Senate receded from said amendment.

Message from the House:

Mr. President—The following bills have passed the House of Representatives:

A bill to test the sense of the people of Barbour county on removing the seat of justice, and for other purposes.

A bill to regulate the pay of Sheriffs for attending on the Supreme Court.

A bill to enable the executrix of M. L. Kenan to secure the payment of certain money to the Branch Bank at Mobile.

A bill to change the name of the county seat of Randolph from McDonald to Wedowe, and to incorporate the same.

A bill to reduce Constable's fees in Conecuh county; in which they ask the concurrence of the Senate.

Engrossed bill from the House, entitled an act to test the sense of the people of Barbour county, in the propriety of removing the seat of justice in said county, and for other purposes, was read the first time and ordered to a second reading.

Engrossed bill from the House, entitled an act to regulate the pay of Sheriffs for attending the Supreme Court of this State, was read the first time.

On motion of Mr. Dent, ordered to be laid on the table.

Engrossed bill from the House, to be entitled an act to enable the executrix of Michael J. Kenan, to secure the payment of certain money to the Branch Bank of Mobile, was read the first time, rule suspended, read the second time.

Mr. Phillips offered the following amendment; which was adopted:

“Provided further, That the said Bank shall not release any security, which it may now hold for the payment of said debts.”

The rule was further suspended, the bill read a third time, and passed.

Engrossed bill from the House, entitled an act to change the name of the county seat of Randolph county, from that of McDonald to Wedowe, and to incorporate the same, was read the first time, rule suspended, read a second and third times, and passed.

Engrossed bill from the House, entitled an act to reduce Constable's fees in the county of Conecuh, was read the first time, and ordered to a second reading.

Message from the House:

Mr. President—The House of Representatives have passed bills from the Senate, of the following titles:

An act to reduce the compensation of the Sheriff of Tuscaloosa county for attendance on the Supreme court:

An act incorporating the town of Dayton, in the county of Marengo:

An act to explain an act therein named:

An act to provide for taking the census of the State of Alabama for the year one thousand eight hundred and forty-four, amended as therein shown, and the caption amended:

An act to compensate Robert Fenner and Thomas B. Jones, for services performed under Executive appointment:

An act to rescind a certain contract of purchase of part of the sixteenth section, in Talladega county:

An act to incorporate the town of Girard, in the county of Russell:

An act to restrict the corporate limits of the town of Allenton, in the county of Wilcox:

An act to confer certain privileges upon an association therein named, as an inducement to navigate the Cahawba river with steam power.

The House has also passed a bill making appropriations for the year one thousand eight hundred and forty-four:

An act to divorce Kirkland Harrison from his wife, Harriet Y. Harrison:

An act to change the time of holding certain courts therein named:

An act in relation to the sixteenth section, in township four, range three, in Limestone county:

A bill from the Senate, to authorize the citizens of Autauga, to locate a court house:

Engrossed bill from the House, entitled an act making appropriations for the year one thousand eight hundred and forty-four, was read the first time, and ordered to a second reading:

Engrossed bill from the House, entitled an act to change the time of holding certain courts therein named, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act in relation to the sixteenth section, in township four, range three, in Limestone county, was read the first time, rule suspended, read the second and third times, and passed.

Engrossed bill from the House, entitled an act to divorce Kirkland Harrison from his wife, Harriet Y. Harrison, was read the first time, rule suspended, read the second and third times, and on its passage,

the yeas and nays were demanded, and the bill passed—yeas 27, nays 3,

YEAS—messrs. President, Arrington, Bishop, Brindley, Burney, Dougherty, Fleming, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Ward, Watkins, Watrous and Winston.

NAYS—messrs. Creagh, Dent and Foster.

Mr. Walthall introduced a bill to be entitled an act for the relief of Jesse Howard and John Agnew; which was read the first time, rule suspended, read the second and third times, and passed.

Message from the House:

Mr. President—The House of Representatives have passed the following bills and joint resolutions, which originated in the House, to wit:

A bill to be entitled an act for the final settlement of the Planters and Merchants Bank of Mobile:

A bill to be entitled an act to define and establish the county line between the counties of De Kalb and Cherokee:

A bill to be entitled an act to establish a Chancery court for the county of Randolph, and for other purposes:

A bill to be entitled an act to pay a certain sum of money therein named:

And also, a memorial of the General Assembly of the State of Alabama to the Congress of the United States, requesting a reduction of the price of the public lands within said State.

Engrossed bill from the House, entitled an act for the final settlement of the Planters and Merchants Bank of Mobile, was read the first time, rule suspended, read a second time, and ordered to lie on the table.

Engrossed bill from the House, entitled an act to define and establish the county line between the counties of De Kalb and Cherokee, was read the first time, rule suspended, read the second time, and ordered to lie on the table.

Engrossed bill from the House, entitled an act to establish a Chancery court for the county of Randolph, and for other purposes, was read the first time, rule suspended, read the second and third times, and passed.

Engrossed bill from the House, entitled an act to pay a certain sum of money therein named, was read the first time, and ordered to lie on the table.

A memorial of the General Assembly of the State of Alabama to the Congress of the United States, requesting a reduction of the price of public lands within said State, was read and adopted.

Engrossed bill from the House, entitled an act to authorize the Judge of the county court of Covington county to receive certain notes, and for other purposes, was read the first time and ordered to a second reading.

Engrossed bill from the House, entitled an act to change the place of holding the Chancery Court in the eighth Chancery district of Alabama, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to authorize Jacob C. Jordan to remove the property of his infant daughter from the county of Marengo, in this State, to the State of Kentucky, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled a bill to annex a part of Pike to Barbour county, was read the first time, and ordered to lie on the table.

Engrossed bill from the House, entitled an act to authorize Major A. Price to keep in repair a turnpike road therein specified, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to confirm the emancipation of certain slaves, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to incorporate the town of Tompkinsville, in Sumter county, was read the first time, rule suspended, read the second and third times, and passed.

Engrossed bill from the House, entitled an act to fix the pay of jurors and witnesses in the county of Randolph, was read the first time, rule suspended, read the second and third times and passed.

Engrossed bill from the House, entitled an act to incorporate the town of Pickensville, in Pickens county, was read the first time, rule suspended, read the second and third times, and passed.

Engrossed bill from the House, entitled an act to change in part the line between the thirty-fifth and eighty-third regiments Alabama militia, and for other purposes, was read the first time, rule suspended, read the second and third times, and passed.

Engrossed bill from the House, entitled an act for the relief of Isaac Swan, tax collector of Sumter county, was read the first time, rule suspended, read the second time, and ordered to lie on the table.

Engrossed bill from the House, entitled an act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section of township twelve, range five, in Wilcox county, was read the first time, rule suspended, read the second and third times, and passed.

Mr. Phillips moved to suspend the action of the Senate on the bills reported from the House, (which was done) that he might introduce a bill to be entitled an act supplementary to an act entitled an act to provide for taking the census of the State of Alabama, for the year one thousand eight hundred and forty-four, and for other purposes, and the bill was read the first time, rule suspended, read a second and third times, and passed.

Engrossed bill from the House, entitled an act authorizing the formation of a captain's company in De Kalb county, was read the first time, rule suspended, read the second and third times, and passed.

A message from the House:

Mr. President.—The House of Representatives has passed the following bills which originated in the House, to wit:

A bill to be entitled an act to authorize the Judge of the county court of Covington county to receive certain notes, and for other purposes:

A bill to be entitled an act to change the place of holding the Chancery court in the eighth chancery district of Alabama:

A bill to be entitled an act to authorize Jacob C. Jordon to remove the property of his infant daughter from the county of Marengo, in this State, to the State of Kentucky:

A bill to be entitled an act to annex a part of Pike to Barbour county:

A bill to be entitled an act to confirm the emancipation of certain slaves:

A bill to be entitled an act to incorporate the town of Tompkinsville, in the county of Sumter:

A bill to be entitled an act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township twelve, range five, in Wilcox county:

A bill to be entitled an act for the relief of Isaac Swan, tax collector of Sumter county:

A bill to be entitled an act to fix the pay of jurors and witnesses in the county of Randolph:

A bill to be entitled an act to incorporate the town of Pickensville, in the county of Pickens:

A bill to be entitled an act to change in part the line between the thirty-fifth and eighty-third regiments Alabama militia, and for other purposes:

A bill to be entitled an act authorizing the formation of a captain's company in De Kalb county:

A bill to be entitled an act to repeal in part an act therein named; in which they respectfully ask the concurrence of the Senate.

Engrossed bill from the House, entitled an act to repeal in part an act therein named, was read the first time, and the Senate refused to order it to a second reading.

Engrossed bill from the House, entitled an act to fix permanently the court house of Covington county, was read the first time, rule suspended, read the second and third times, and passed.

A message from the House:

Mr. President—The House of Representatives have passed the following bills, to wit:

A bill to be entitled an act to incorporate the Enon Male and Female Academies, in Macon county:

A bill to be entitled an act concerning the payment of fines and forfeitures in the county of Clarke:

A bill to be entitled an act to levy a special tax in the county of Franklin:

A bill to be entitled an act to authorize Major A. Price to keep in repair a turnpike road therein specified:

A bill to be entitled an act to incorporate Saint Paul's Church, Carlowville, in the county of Dallas:

A bill to be entitled an act for the relief of John W. Bloodworth, late tax collector in the county of Barbour:

A bill to be entitled an act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township eleven, range six:

A bill to be entitled an act to provide for selecting grand jurors in the county of Marion:

A bill to be entitled an act to require an extra term of the circuit court of Pickens county:

A bill to be entitled an act to fix permanently the court house of Covington county.

Engrossed bill from the House, entitled an act to provide for selecting grand jurors in the county of Marion, was read the first time, rule suspended, read the second and third times, and passed:

Engrossed bill from the House, entitled an act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, township eleven, range six, was read the first time, rule suspended, read the second and third times, and passed:

Engrossed bill, from the House, entitled an act for the relief of John W. Bloodworth, late tax collector in Barbour county, was read the first and second times, and referred to a select committee, consisting of Messrs. Walker of L. Hardaway and Burney.

Engrossed bill from the House, entitled an act concerning the payment of fines and forfeitures in the county of Clarke, was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to incorporate the Enon male and female academy in Macon county, was read the first time, rule suspended, read the second and third times, and passed.

A message from the House:

Mr. President—The House of Representatives has passed bills as follows:

A bill to amend the Penal Code:

A bill to compensate John Chauncey, of Dale, for services therein named, and for other purposes:

Joint resolutions, in relation to mail routes:

Engrossed bill from the House, to be entitled an act to amend the Penal Code, was read the first time, and ordered to lie on the table.

Engrossed bill from the House, entitled an act to incorporate Saint Paul's Church, Carlowsville, county of Dallas, was read the first time, rule suspended, read the second time, and on motion to lay on the table, the yeas and nays were demanded—yeas 16, nays 13.

YEAS—Messrs. President, Bishop, Brindley, Creagh, Dent, Fleming, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Reese, Walker of B. and Walker of L.

NAYS—Messrs. Arrington, Burney, Dougherty, Foster, Hardaway, Oliver, Phillip, Toulmin, Walthall, Ward, Watkins, Winston and Yancey.

Engrossed bill from the House, entitled an act to compensate John Chauncey of Dale, for services therein named, and for other purposes, was read the first and second times, and referred to the committee on accounts and claims.

A message from the House:

Mr. President—The House of Representatives has passed a bill authorizing the filing of bills in Chancery in certain cases; in which they respectfully ask the concurrence of the Senate.

Engrossed bill from the House, entitled an act authorizing the filing of bills in Chancery in certain cases, was read a first and second times, and,

On motion of Mr. McClanahan, the bill was amended by striking out of the sixth and seventh lines these words: "not less than the sum of one hundred dollars," and read a third time, and passed.

Joint resolutions in relation to mail routes, was read the first, second and third times, and passed.

Engrossed bill from the House, entitled an act to pay a certain sum of money therein named, was called from the table, and on its passage the yeas and nays were demanded—yeas 12, nays 14.

YEAS—Messrs. President, Brindley, Burney, Dent, Dougherty, Foster, Hardaway, Kelly, Oliver, Walker of L. Watrous and Yancey.

NAYS—messrs. Bishop, Creagh, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Toulmin, Walker of B. Walthall, Ward, Watkins and Winston.

On motion the Senate adjourned until half-past six o'clock.

NIGHT SESSION, January 13, 1844.

Mr. Moores called from the table, a special order of the day, which on motion of Mr. Walker of L. was postponed until the fifteenth instant.

Engrossed bill, entitled an act, to alter the time of holding the circuit courts of the sixth Judicial circuit, and for other purposes, was read the first time, rule suspended, read the second and third times, and passed.

A message from the House:

Mr. President—The House of Representatives has passed the following bill, to change the time of holding the circuit courts in the sixth Judicial circuit; in which the concurrence of the Senate is asked.

Engrossed bill entitled an act to regulate the time of holding the terms of the several circuit courts, in the second Judicial circuit, was read the first and second times, and on motion of Mr. Burney laid on the table.

A message from the House:

Mr. President—The House of Representatives has originated and passed the following bills, in all of which they ask the concurrence of the Senate.

A bill to be entitled an act to authorize the loan of a portion of the two per cent. fund, to the Montgomery and West Point rail road company:

A bill to be entitled an act to incorporate the Tennessee and Coosa rail road company.

Engrossed bill from the House, entitled an act to establish by law, muster days in the ninth division, Alabama militia, and for other purposes; was read the first time, and ordered to a second reading.

A message from the House:

Mr. President—The House has passed a bill to change the time of holding the terms of the circuit court, in the second Judicial circuit.

Engrossed bill entitled an act to authorize the commissioners of the sixteenth section, in township seventeen, range seventeen, to employ a teacher; was read the first time, and laid on the table.

A message from the House:

Mr. President—The House of Representatives have passed the following bills and joint resolutions, and memorial:

An act to divorce Cena Cody from her husband William Cody:

An act for the relief of Drury Roberts, of Jackson county:

An act to authorize Elias Persinger, and his associates, to construct a wharf on the Black Warrior river, opposite the town of Northport:

An act to divorce Wiley Pearce from his wife Sarah Pearce:

An act to establish by law, muster days in the ninth division Alabama militia, and for other purposes:

An act to authorize the commissioners of sixteenth section, in township seventeen, range seventeen, to employ a teacher.

An act for the relief of Mary E. Montgomery, and Mary M. Wilder:

Joint memorial of the General Assembly of Alabama to Congress, in relation to the interest on the two per cent. fund:

Joint resolutions for the relief of Hudson W. Nelson, tax collector of Shelby county:

All of which originated in and passed the House of Representatives, and in which they ask the concurrence of the Senate.

Engrossed bill for the relief of Mary E. Montgomery, and Mary Wilder, was read the first time, and ordered to lie on the table.

Engrossed joint memorial of the General Assembly of Alabama to Congress, in relation to the interest on the two per cent. fund was read; and on motion of Mr. Foster was laid on the table.

Engrossed joint resolutions for the relief of Hudson M. Nelson, tax collector, of Shelby county, was read and laid on the table.

Engrossed bill to divorce Cena Cody from her husband, Wm. Cody, was read the first and second times, and on the passage of the bill, the yeas and nays were demanded, and the bill passed. Yeas 21, nays 3.

YEAS—messrs. President, Arrington, Bishop, Brindley, Burney, Dougherty, Hardaway, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Oliver, Phillips, Walker of R. Ward, Watkins, Wilson, Winston and Yancey.

NAYS—messrs. Creagh, Dent and Foster.

An act for the relief of Drury Roberts, of Jackson county, was read the first, second and third times and passed.

Engrossed bill to authorize Elias Persinger, and his associates, to construct a wharf on the Black Warrior river, in the town of Northport.

On motion of Mr. Dent, the bill was referred to a select committee of messrs. Dent, Winston and McClanahan.

Engrossed bill entitled an act to divorce Wiley Pearce, from his wife Sarah Ann Pearce, was read the first and second times, and on its passage, the yeas and nays were demanded. Yeas 20, nays 3.

YEAS—Messrs. President, Arrington, Bishop, Brindley, Burney, Dougherty, Hardaway, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Oliver, Phillips, Walker of n. Ward, Watkins, Wilson, Winston and Yancey.

NAYS—Messrs. Creagh, Dent and Foster.

A message from the House:

Mr. President—The House has passed bills of the following titles:

An act to amend the provisions of an act approved first January, one thousand eight hundred and forty-two, entitled, to prevent the sacrifice of real estate:

An act for the relief of Mildred Fitzpatrick, of the county of Macon:

An act to alter the mode of selecting grand jurors in the counties of Dallas, Perry, Tallapoosa, Tuscaloosa and Barbour:

An act to authorize the election of a Justice of the peace, in the town of Warrenton:

An act to change the time of holding the circuit and county courts, in the county of Limestone:

An act for the relief of Richard Locke:

An act for the support of paupers in Pike county:

An act to change the time of holding the circuit court of the county of Perry:

An act to change the time of holding the county court of the county of Dallas:

An act to change the time of holding the fall term of the circuit court of Pike:

An act to compensate Doctors White and Paulin:

An act to provide more permanently for the pay of jurors in Lowndes county:

An act for the relief of James C. Durham and Malcolm McBride:

An act more particularly to define the county line between the counties of Henry and Barbour:

An act for the relief of Mary Davis:

An act to levy a special tax in the county of Fayette:

An act to change the time of holding the county court of Pike county:

An act to extend the powers of the town commissioners of De Kalb county:

An act in relation to the sixteenth section fund, in the county of Bibb:

An act in relation to summoning defaulters in the county of Butler:

An act to compensate the commissioners of roads and revenue in the county of Pike:

An act to establish a Medical Board in Eufaula, in the county of Barbour:

An act to divorce Emily Susan Snipes, from her husband Jeremiah Snipes:

An act for the relief of Margaret M. Carter:

An act to authorize the commissioners court in the county of Barbour, Henry and Franklin, to levy additional taxes:

An act to provide for the better maintenance of the poor in Dallas county:

An act in relation to the service of civil process in the county of Russell:

An act to incorporate the Israelites of Shara Shamayhem, in the city of Mobile:

An act to emancipate certain slaves therein named:

The House has also passed the following bills from the Senate:

An act in relation to the rescission of certain contracts of a part of sixteenth sections in Wilcox county; amended as therein shown:

*And an act to authorize the commissioners of sixteenth section, township twenty-two, range two, west Tuscaloosa land district, in the county of Sumter, to rescind a certain contract therein described:

The House has also passed bills—

To confer powers and privileges therein named:

An act for the relief of Jacob Merrill of Covington county.

An act for the relief of Jacob Merrill was read the first, second and third times, and passed:

An act to confer certain forms and privileges therein named, was read a first time, and Mr. Hudson moved to suspend the rule.

Mr. Yancey demanded the yeas and nays on the suspension. Yeas 26, nays 3.

YEAS—messrs. President, Arrington, Bishop, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Moores, Oliver, Phillips, Walker of B. Walker of L. Walthall, Ward, Watkins, Wilson and Winston.

NAYS—messrs. Brindley, Reese and Yancey.

The rule was suspended, and the bill read a third time and passed.

An act in relation to the rescission of certain contracts of purchase of a part of sixteenth sections in the county of Wilcox.

The amendment of the House was concurred in.

An act to emancipate certain slaves therein named, was read a first time, and ordered to a second reading.

Mr. Dent, from the select committee, to which was referred a bill entitled an act to authorize Elias Persinger and his associates to construct a wharf on the Black Warrior river, in the town of Northport, made the following report, which was concurred in:

In the fifth line of the first section, strike out "opposite," and insert "in;" in the thirteenth line strike out "three" and insert "two."

Read a third time and passed.

Mr. Walker, from the select committee, to which was referred a bill for the relief of John M. Bloodsworth, late tax collector of Barbour county, reported the same back to the Senate, without amendment.

The bill was read a third time and passed.

Engrossed bill from the House, entitled an act to incorporate the congregation of Israelites of Shara Shamayhem, in the city of Mobile, was read a first time, and ordered to lie on the table.

Engrossed bill from the House, entitled an act to amend the law in

relation to the service of civil process in the county of Russell, was read a first time, and ordered to lie on the table.

An act to provide for the better maintenance of the poor in Dallas county, was read the first time, rule suspended, read the second and third times and passed.

An act to authorize the commissioners' court of roads and revenue in the counties of Barbour and Benton, to levy additional taxes, and for other purposes, was read a first time, rule suspended, read a second time, and on motion of Mr. Hudson, the engrossed ryder of the House was stricken out.

Mr. Walker moved the following amendment, which was adopted:

"And be it further enacted, That the commissioners' court of roads and revenue in the county of Benton, in levying a tax for county purposes, shall be limited to and shall not exceed the sum of fifty per cent. on the State tax."

The bill was then read a third time and passed.

On motion of Mr. Phillips, the caption was amended.

Engrossed bill entitled an act for the relief of Margaret M. Carter, was read the first time and lost.

An act to divorce Emily S. Snipes from her husband Jeremiah Snipes, was read the third time, and on its passage the yeas and nays were demanded. Yeas 27, nays 4.

YEAS—Messrs. President, Arrington, Bishop, Brindley, Burney, Dougherty, Fleming, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Phillips, Reese, Ross, Toulmin, Walker of B. Walker of L. Walthall, Ward, Watkins, Wilson, Winston and Yancey.

NAYS—Messrs. Creagh, Dent, Foster and Oliver.

A bill to establish a Medical Board in the town of Eufaula, in the county of Barbour, was read the first time, and ordered to a second reading.

A bill to compensate the commissioners of roads and revenue in the county of Pike, was read the first, second and third times, and passed.

An act for the support of paupers in the county of Pike, was read the first, second and third times, and passed.

An act to change the time of holding the fall term of the circuit court of Pike county, for the year one thousand eight hundred and forty-four, was read the first, second and third times and passed.

A bill to change the time of holding the county court of Pike county, was read the first, second and third times and passed.

Mr. Phillips introduced the following resolution:

Resolved, That the assistant Secretary make a memorandum of the orders made on the bills to reduce the salaries of Bank officers from which he may make up the Journal, and report said bill to the House of Representatives forthwith.

On motion the Senate adjourned until Monday morning, at ten o'clock.

SENATE CHAMBER, Monday Morning, January 15, 1844.

The Senate met pursuant to adjournment.

The minutes were read and approved.

Mr. President laid before the Senate the following communication from Geo. B. Clitherall, Assistant Secretary of the Senate, which was ordered to lie on the table, and be spread upon the Journal:

SENATE CHAMBER, January 14th, 1844.

To the Honorable Nathaniel Terry,

President of the Senate:

Sir—In obedience to the resolution offered by Mr. Phillips, and adopted by the Senate last evening, I forthwith repaired to the office of the Secretary of the Senate, with a view to discharge the duty assigned me by said resolution, when I was informed that the principal Secretary had himself just conveyed to the House of Representatives the bill, &c. referred to.

Respectfully submitted.

GEO. B. CLITHERALL,

Assistant Secretary of the Senate.

Mr. McClanahan, from the committee on enrolled bills, reported that they had examined and find correctly enrolled, bills of the following titles, to wit:

An act for the support of paupers in the county of Shelby:

An act for the more effectual preservation of the arms of the State in charge of the first volunteer regiment of Alabama militia, and for other purposes:

Joint memorial to the Congress of the United States, on the subject of the pre-emption laws:

An act to incorporate the Jackson County Guards:

An act to authorize the transfer of causes from the orphans' court to the chancery court in certain cases:

An act to authorize the court of roads and revenue of Lawrence county to levy a tax:

An act to authorize and require the President and Directors of the Branch Bank at Huntsville, to consummate a certain contract:

An act to amend an act entitled an act to run and mark out the line between the counties of Shelby and Jefferson:

An act to authorize the commissioners of the sixteenth section of township twenty-two, range two west, Tuscaloosa land district, in the county of Sumter, to rescind a certain contract therein described:

Joint resolutions authorizing a rescission of the contract of sale for section sixteen, township eleven, range one west, in the county of Washington:

Joint resolutions authorizing W. W. Frierson to receive and receipt for the balance due the late Quarter Master General of the State of Alabama, and due by the State:

An act to authorize Jacob C. Jordan to remove the property of his infant daughter from the county of Marengo, in this State, to the State of Kentucky:

An act to authorize Wm. McGhee, to open a certain road therein named, and for other purposes.

A message from His Excellency, by Mr. Garrett, Secretary of State:

Mr. President—His Excellency the Governor, has approved bills of the following titles, to wit:

An act in relation to costs of prosecutions in criminal cases, in Mobile county:

An act to compensate Clement C. Clay and J. Withers Clay, for certain services therein named:

Joint resolutions rescinding a certain contract therein named:

An act incorporating the town of Union Springs, in Macon county:

An act to incorporate the town of Girard, in Russell county:

An act to authorize the citizens of Autauga county, to locate a seat of justice for said county:

An act to confer certain privileges upon an association therein named, as an inducement to navigate the Cahawba river with steam power.

An act to compensate Robert Fenner and Thomas B. Jones for labor done and performed under Executive appointment:

An act to rescind a certain contract for purchase of a part of section sixteen, township nineteen, range three east, in Talladega county:

An act to authorize Abraham Shanklin to emancipate a certain slave therein named:

An act to rescind a certain contract therein described, made between Meshack Turner and the school commissioners of township nineteen, range twenty-five, in Tallapoosa land district:

An act to incorporate the Claiborne Female Seminary, in Monroe county:

An act incorporating the town of Dayton, in Marengo county:

An act to reduce the compensation of the Sheriff of Tuscaloosa county for attendance on the Supreme court:

An act to explain an act therein named:

An act to compensate the Sheriff of Sumter county for ex officio services:

An act to restrict the corporate limits of the town of Allenton, in Wilcox county, and for other purposes:

An act relating to the duties of Clerks of courts and Register in Chancery, in Sumter county:

An act for the relief of Mary Ford, Milly Burton, and others:

An act to provide for taking the census of the State of Alabama for the year one thousand eight hundred and forty-four, and for other purposes:

Which bills originated in the Senate.

Message from the House.

Mr. President—I am directed to return to the Senate the bill to re-

duce the salaries of the President, Directors, and other officers of the Bank of the State of Alabama and its several Branches.

Mr. Walker of B. moved to reconsider the vote on the passage of a bill to be entitled an act to establish a Chancery court for the county of Randolph, and for other purposes.

The bill was amended by Mr. Walker of B., read a third time, and passed.

The amendment is as follows:

Sec. 6. *And be it further enacted*, That the Chancellor of the Northern Chancery Division, be required to hold a separate and special term of the Chancery court for the thirty-ninth district, in the county of Benton, on the fourth Monday in February, one thousand eight hundred and forty-four, for the purpose of transacting the business of that court in the same manner as if it were the regular term of said court.

After the word "number," in section two, strike out "forty-one," and insert "forty-two."

At the end of the third section insert these words; "which court shall be holden on the tenth Monday after the fourth Monday in May, and may continue in session one week."

Mr. Foster moved to take from the table the bill to be entitled an act to define and establish the county line between the counties of De Kalb and Cherokee, which was done, and placed among the orders of the day.

On motion of Mr. Winston, the bill entitled an act for the relief of Isaac Swan, tax collector of Sumter county, was taken from the table and placed among the orders of the day.

On motion of Mr. Watrous, the bill entitled an act for the relief of Hudson W. Nelson, tax collector of Shelby county, was taken from the table, and placed among the orders of the day.

Mr. Phillips introduced the following resolutions:

Resolved by the Senate, That we condemn the white basis principle on which the State of Alabama was laid off into Congressional Districts by an act of the last General Assembly; because it is repugnant to the policy of the slave holding States of the Union, and hitherto unknown in their history: Because it deprives those who furnish a portion of the Federal population of the right to represent: Because, if the principle of Federal representation, as heretofore recognized in the formation of Congressional Districts be wrong in practice, it is equally so in theory: Because it has superinduced a deliberate assault by the Legislature of Massachusetts, on the constitutional rule of representatives: And finally, because it harmonizes with the views of those who are waging war upon slavery, and it may, in its ultimate effects and consequences, kindle in our midst the torch of servile insurrection.

Mr. Walker of B. moved to lay on the table.

The yeas and nays were demanded by Mr. Phillips—yeas 16, nays 16.

The motion to lay on the table was lost.

YEAS—messrs. Arrington, Burney, Creagh, Dent, Dougherty, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese, Ward, Watkins, Watrous, and Winston.

NAYS—messrs. President, Bishop, Brindley, Fleming, Foster, Hudson, Kelly, Marchbanks, McClanahan, McVay, Toulmin, Walker of B. Walker of L. Walthall, Wilson and Yancey.

On adopting the resolution, Mr. Phillips demanded the yeas; and they were not adopted—yeas 16, nays 16.

Mr Dent introduced a bill for the relief of F. G. Malempre; which was read the first time, rule suspended, read the second and third times and passed.

Mr. Creagh introduced a bill, to be entitled an act for the relief of Joseph Guynes and others; which was read the first, second and third times; and on the passage the yeas and nays were demanded, and the bill passed—yeas 18, nays 10.

YEAS—messrs. President, Arrington, Brindley, Burney, Creagh, Dougherty, Fleming, Foster, Hardaway, Kelly, King, McVay, Toulmin, Walker of L. Walthall, Ward, Wilson and Yancey.

NAYS—messrs. Bishop, Dent, Hudson, Marchbanks, McAlpin, McClanahan, Phillips, Watkins, Watrous and Winston.

A message from the House.

Mr. President—The House of Representatives insists upon its amendments to the bill to reduce the salaries of the President, Directors, and other officers of the Bank of the State of Alabama, adding the ninth, tenth, and eleventh sections.

The House concurs in the amendment of the Senate to the twelfth section.

The House recedes from its amendment adding the thirteenth section to said bill.

Mr. Dent moved the Senate recede from their amendments.

On motion of Mr. Yancey, the question was divided, and the Senate receded from the ninth section of the House.

On the question to recede from the disagreement of the Senate to the tenth and eleventh sections, the yeas and nays were demanded by Mr. Dent, and the Senate receded from said disagreement—yeas 15, nays 14.

YEAS—Messrs. Bishop, Brindley, Creagh, Dent, Fleming, Hardaway, Hudson, Kelly, Marchbanks, McClanahan, McVay, Walker of L. Ward, Watkins and Winston.

NAYS—messrs. President, Dougherty, Foster, King, McAlpin, Moores, Oliver, Phillips, Reese, Walker of B. Walthall, Watrous, Wilson and Yancey.

Mr. Fleming moved to take from the table the resolution reported from the House; which is as follows:

Resolved, That with the concurrence of the Senate, the joint resolution heretofore adopted, providing for the adjournment of the two Houses of the General Assembly on the fifteenth instant be rescinded, and that the said two Houses will adjourn on the seventeenth instant.

On motion to take from the table, the yeas and nays were demanded.

The resolutions were taken up—yeas 22, nays 10.

YEAS—messrs. President, Bishop, Brindley, Burney, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Marchbanks, McClanahan, McVay, Oliver, Reese, Toulmin, Walker of B. Walker of L. Ward, Watrous, Wilson and Winston.

NAYS—messrs. Arrington, Creagh, Kelly, King, McAlpin, Moores, Phillips, Walthall, Watkins and Yancey.

On motion to concur in the resolution, the yeas and nays were demanded.

The resolution was adopted—yeas 23, nays 8.

YEAS—messrs. President, Arrington, Bishop, Brindley, Burney, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Oliver, Reese, Toulmin, Walker of B. Walthall, Wilson and Winston.

NAYS—messrs. Creagh, McAlpin, Moores, Walker of L. Ward, Watkins, Watrous and Yancey.

Mr. Fleming moved to take from the table, the resolution to elect Presidents and Directors of the several Banks, and offered the following as a substitute; which was adopted:

Resolved by the Senate, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on ———, at the hour of ——— o'clock, for the purpose of electing a President and Board of Directors of the Bank of the State of Alabama; and also President and Directors for the Branch Banks at Huntsville, Mobile, Decatur, and Montgomery.

On motion of Mr. McClanahan, was laid on the table.

Mr. Walker introduced a bill, to be entitled an act to prevent the reversal of judgments in cases commenced by summary proceedings for any cause not affecting the writs; which was read the first time, and on ordering it to a second reading, the yeas and nays were demanded, and the bill was ordered to a second reading—yeas 14, nays 10.

YEAS—messrs. Arrington, Brindley, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, McClanahan, Oliver, Phillips, Toulmin, Walker of B. Watkins and Wilson.

NAYS—messrs. President, Bishop, Fleming, Kelly, McVay, Moores, Walthall, Ward and Winston.

Mr. McVay offered the following resolution; which was adopted:

“Resolved, That there shall be no new business introduced in the Senate from this to the close of the session.”

The Senate then proceeded to the orders of the day.

A bill to be entitled an act to amend an act authorizing a loan of a portion of the two per cent. fund to the Montgomery and West Point rail road company, and Tennessee and Coosa rail road company, which was amended, and the bill and amendment referred to a select committee, consisting of messrs. Oliver, Foster and Wilson.

Engrossed bill, entitled an act to test the sense of the people of Barbour county on the propriety of removing the seat of justice in said county, and for other purposes, was read a second time, rule suspended, read a third time, and passed.

Engrossed bill, entitled an act to reduce Constable's fees in the county of Conecuh, was read a second time, and postponed indefinitely.

Engrossed bill, to be entitled an act to make appropriations for one thousand eight hundred and forty-four, was read a second time.

Mr. Dent moved to strike out "two hundred and fifty," in Comptroller's item for extra Clerk's hire.

The yeas and nays were demanded—yeas 17, nays 10.

YEAS—messrs. Arrington, Bishop, Brindley, Burney, Dent, Fleming, Hardaway, Marchbanks, McAlpin, McClanahan, McVay, Moores, Reese, Walker of L. Ward, Watrous and Winston.

NAYS—messrs. President, Creagh, Dougherty, Hudson, Toulmin, Walthall, Walker of B. Watkins and Wilson.

Mr. Dougherty moved to strike out "four dollars," and insert "five," to Doorkeepers.

On motion of Mr. Phillips, the Senate then adjourned until three o'clock P. M.

AFTERNOON SESSION, three o'clock.

The appropriation bill was resumed.

The question being on Mr. Dougherty's motion to strike out "four" and insert "five dollars," in the item to dookeepers.

The yeas and nays were demanded, and the motion prevailed—yeas 16, nays 12.

YEAS—messrs. President, Arrington, Burney, Dent, Dougherty, Foster, Hardaway, Hudson, Kelly, McAlpin, Oliver, Reese, Toulmin, Walker of B. Watkins and Watrous.

NAYS—messrs. Bishop, Brindley, Creagh, Fleming, King, Marchbanks, McClanahan, McVay, Walker of L. Wilson, Winston and Yancey.

Mr. Dent moved to reconsider the vote on striking out the appropriation of two hundred and fifty dollars to the Comptroller; which motion was lost—yeas 14, nays 16.

YEAS—messrs. President, Burney, Creagh, Dent, Dougherty, Hudson, Kelly, McAlpin, McClanahan, Toulmin, Walker of B. Watkins, Wilson and Yancey.

NAYS—messrs. Arrington, Bishop, Brindley, Fleming, Foster, Hardaway, King, Marchbanks, McVay, Moores, Oliver, Reese, Walker of L. Ward, Watrous and Winston.

Mr. Hudson moved to strike out the appropriation in the fourth section to the Warden of the Penitentiary; which was adopted.

The bill and amendments were then read a third time and passed.

Mr. Oliver, from the select committee, to whom was referred a bill

authorizing; a loan of a part of the two per cent. fund to the Montgomery and West Point rail road company, reported the same with amendments, to come in at the end of the second section:

And provided further, That loans to be made to the Coosa and Tennessee rail road company shall not be made or paid out, unless the Governor of the State shall be satisfied that work to the amount of the sum applied for, has actually been done upon said rail road, and the security as required by this act shall be given from time to time, for the amount thus applied for.

And provided further, That the amount of one half of the said two per cent. fund, shall be set apart and remain a fund, to be loaned according to the intent of this act and this proviso; which amendment was concurred in.

Mr. Yancey moved to strike out the second section of the bill; which was lost—yeas 10, nays 21.

YEAS—messrs. Creagh, King, Marchbanks, McAlpin, McVay, Reese, Ward, Watkins, Watrous and Yancey.

NAYS—messrs. President, Arrington, Bishop, Brindley, Burney, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, McClanahan, Oliver, Phillips, Toulmin, Walker of B. Walker of L. Walthall, Wilson and Winston.

Mr. Yancey then moved to strike out the proviso, and demanded the yeas and nays; and the motion was lost—yeas 10, nays 22.

YEAS—messrs. Creagh, King, McAlpin, Moores, Phillips, Reese, Walthall, Watrous, Winston and Yancey.

NAYS—messrs. President, Arrington, Bishop, Brindley, Burney, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, Marchbanks, McClanahan, McVay, Oliver, Toulmin, Walker of B. Walker of L. Ward, Watkins and Wilson.

A motion to suspend the rule and give the bill and amendments a third reading forthwith, was lost by yeas and nays, there not being a constitutional majority to suspend—yeas 18, nays 13.

YEAS—messrs. Arrington, Bishop, Brindley, Burney, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, Oliver, Phillips, Reese, Toulmin, Walker of B. Walthall, Watkins and Wilson.

NAYS—messrs. Creagh, Dent, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Walker of L. Ward, Watrous, Winston and Yancey.

On ordering the bill to a third reading on to-morrow, there were yeas 16, nays 13.

YEAS—messrs. Arrington, Bishop, Brindley, Burney, Dougherty, Fleming, Foster, Hardaway, Kelly, Moores, Oliver, Toulmin, Walker of B. Walthall, Watkins and Wilson.

NAYS—messrs. President, Creagh, Dent, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Walker of L. Ward, Watrous, Winston and Yancey.

The bill was ordered to a third reading on to-morrow.

A motion to adjourn till ten o'clock, to-morrow, was lost—yeas 9, nays 23.

YEAS—messrs. Dougherty, Foster, McAlpin, McClanahan, Moores, Reese, Walker of L. Winston and Yancey.

NAYS—messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Fleming, Hardaway, Hudson, Kelly, King, Marchbanks, McVay, Oliver, Phillips, Toulmin, Walker of B. Walthall, Ward, Watkins, Watrous and Wilson.

Engrossed bill from the House, entitled an act to authorize the Judge of the county court of Covington county to receive certain notes, and for other purposes, was read a third time, and passed.

Engrossed bill from the House, entitled an act to change the place of holding the Chancery court in the eighth division chancery district of Alabama, was read a second time, and an amendment proposed by Mr. Yancey, and on motion of Mr. Phillips, the bill and amendments were postponed indefinitely.

Engrossed bill from the House, entitled an act to authorize Jacob C. Jordan to remove the property of his infant daughter from the county of Marengo, in this State, to the State of Kentucky, was read a second time, and on motion of Mr. McClanahan, was laid on the table.

Engrossed bill from the House, to authorize Major A. Price to turnpike a certain road, was read a second time, and referred to the committee on roads, bridges and ferries.

Engrossed bill, entitled an act concerning the payment of fines and forfeitures in the county of Cherokee, was read a third time, and passed.

Engrossed bill, to confirm the emancipation of certain slaves, was read a second time, and referred to the committee on the judiciary.

Engrossed bill, to establish by law muster days in the ninth division, Alabama Militia, and for other purposes, was read a second time, and referred to the committee on propositions and grievances.

Engrossed bill, entitled an act to emancipate certain slaves therein named, was read a second time, and referred to the judiciary committee.

Engrossed bill, to establish a medical board in Eufaula, in Barbour county, was read the second and third times, and passed.

Engrossed bill, for the relief of Isaac Swan, tax collector of Sumter county, was read a third time, and passed.

Engrossed bill, to define and establish the county line between the counties of De Kalb and Cherokee, was read a third time and passed.

Engrossed joint resolutions, for the relief of Hudson W. Nelson, tax collector of Shelby county, was read a third time, and passed.

Engrossed bill, to authorize the investment of the United States Treasury Notes, being a portion of the two per cent fund in United States stock, was read, and amended by the House of Representatives, to wit:

Strike out of section two all after the words "that the," in the first line, and insert "United States Stock," provided to be purchased in the first section of this act, held subject to the provisions of an act to authorize the loan of a portion of the two per cent fund to the Montgomery and West Point rail road company, and the same shall be transferred and paid over to the Montgomery and West Point rail road company, and

the Tennessee and Coosa rail road company, in such manner as may be applied for in accordance with the provisions of said act.

On concurring in the amendment made by the House, the yeas and nays being demanded, the amendment was concurred in—yeas 17, nays 10.

YEAS—Messrs. President, Arrington, Bishop, Brindley, Dent, Dougherty, Foster, Hardaway, Kelly, Oliver, Phillips, Toulmin, Walker of B. Walthall, Ward, Watkins and Wilson.

NAYS—Messrs. Creagh, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Walker of L. Watrous and Yancey.

An act to amend an act to incorporate the Mobile navigation and insurance company, approved fourteenth February, one thousand eight hundred and forty-three, was read and amended by the House as follows:

“Provided, That the stockholders shall be responsible for the amount of their stock respectively, and no more, any law to the contrary notwithstanding.”

In which amendment the Senate concurred, and the bill passed.

An act for the relief of Lewis Bishop, of Talladega, was read a third time, and amended by the House, to wit:

“Provided, the privileges granted by this act shall not apply to the county of Talladega.”

Which was concurred in by the Senate, and passed.

An act for the relief of Jesse Howard, and John Agnew, was read the third time as amended by the House, to wit:

Sec. 2. And be it further enacted, That the Governor is hereby authorized to remit the fine imposed upon David S. Black, upon a conviction of an assault with intent to kill, upon one Andrew J. Grover, in the circuit court of Morgan county, at the March term thereof, one thousand eight hundred and forty-two.

In which the Senate concurred, and amended the caption of the bill by adding *“and others,”* and the bill passed.

A message from the House, by Mr. Clitherall:

Mr. President—The House has passed the bill to incorporate a company for the purpose of manufacturing cotton and woolen goods, and have amended the same by striking out *“two hundred thousand,”* and inserting *“one hundred thousand,”* in which they ask the concurrence of the Senate.

An act to incorporate a company for the purpose of manufacturing cotton and woolen goods, and the amendment of the House, to wit: Strike out *“two hundred thousand,”* and insert *“one hundred thousand,”* concurred in by the Senate, and the bill as amended passed.

Engrossed bill from the House of Representatives:

A bill for the relief of Mildred Fitzpatrick, of Macon county, was read the first time, and laid on the table.

A bill, entitled an act more particularly to define the county line between Henry and Barbour counties, was read a third time, and passed.

A bill, to alter the mode of selecting grand jurors for the counties of Dallas, Tallapoosa, Perry, Tuscaloosa and Barbour, was read a third time.

On motion of Mr. Walthall, the county of Perry was stricken out, and the bill thus amended, passed.

A bill to extend the powers of the town commissioners in De Kalb county, was read the third time, and passed.

A bill, to be entitled an act in relation to the sixteenth section fund in Bibb county, was read the third time and passed.

A bill, entitled an act in relation to summoning defaulters in the county Butler, was read the first time, and laid on the table.

A bill, entitled an act to amend the provisions of an act approved first January, one thousand eight hundred and forty-two, entitled an act to prevent the sacrifice of real estate, was read the first time, and ordered to a second reading to-morrow.

The bill to authorize the levy of a special tax in the county of Fayette, for the support of paupers, was read a third time and passed.

A bill for the relief of Mary Davis, was read the first time, and laid on the table.

A bill for the relief of James C. Durham, and Malcolm McBride, was read a first time, and laid on the table.

A bill to provide more permanently for the payment of jurors in Lowndes county, was read three times and passed.

A bill to compensate Doctors White & Paulin, for medical services rendered State prisoners in Henry county, was read first and second times, and referred to the committee on accounts and claims.

An act to change the time of holding the county court of Dallas county, and for other purposes, was read three times, and passed.

An act to change the time of holding the circuit court in the county of Perry, was read the first time, and laid on the table.

A bill for the relief of Richard Locke, was read three times, and passed—yeas 23, nays 4.

YEAS—Messrs. Arrington, Bishop, Brindley, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Toulmin, Walker of B. Ward, Watrous and Wilson.

NAYS—Messrs. President, Walthall, Watkins and Yancey.

A bill, entitled an act to change the time of holding the circuit and county courts of Limestone county, was read the first time, and ordered to lie on the table.

An act to authorize the election of a justice of the peace for the town of Warrenton, was read three times, and passed.

Mr. McClanahan, from the committee on enrolled bills, made the following report:

The committee have examined and find correctly enrolled bills of the following titles, to wit:

An act explanatory of an act passed in January, one thousand, eight hundred and forty-four:

An act to establish a Board of Physicians in Chambers county:

An act to authorize the commissioners court of roads and revenue of the counties of Montgomery, Bibb and Chambers to levy a tax of fifty

per cent on the State tax authorized for the year one thousand eight hundred and forty-four:

An act to explain an act passed thirteenth February, one thousand eight hundred and forty-three, declaring Chattooga river a public highway, &c:

An act for the benefit of the Military Academy at Eufaula:

An act to change the time of holding the county court of Lowndes county:

An act to divorce Cena Cody from her husband William Cody:

An act for the relief of Drury Roberts, of Jackson county:

An act to divorce Wiley Pearce from his wife, Sarah Pearce:

An act, entitled an act making appropriations for the payment of certain claims against the State:

An act for the relief of the citizens of township fifteen, range eight, east in Benton county:

An act to incorporate the town of Huntsville:

An act to secure the records of the orphans' court of Dale county:

An act, entitled an act to alter the time of holding the circuit courts of the sixth judicial circuit, and for other purposes:

An act in relation to sixteenth section, township four, range three, in Limestone county:

An act to divorce Kirkland Harrison from his wife, Harriet Y. Harrison:

An act to require the clerks of certain counties therein named to make out and keep a reversed index to the several books of their offices:

An act to alter and amend the patrol law now in force in certain counties therein named:

An act to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones' Bluff:

An act for the relief of the representatives of Robert Williamson, deceased:

An act for the relief of Polly Rosser, wife of Daniel M. Rosser:

An act to raise a revenue for the support of the State Government, and to maintain the faith and credit of the State of Alabama:

A message from the House of Representatives:

Mr. President—The House of Representatives has passed a bill to amend the statute of limitations,

And joint resolutions proposing a change of the constitution of the State of Alabama, so as to have biennial sessions of the Legislature.

Engrossed bill from the House, entitled an act to amend the statute of limitations, was read the first time, rule suspended, read a second time, and referred to the committee on the judiciary.

Joint resolutions proposing a change in the Constitution of the State of Alabama, so as to have biennial sessions of the Legislature, were read the first time; and on motion to lay the same on the table, the yeas and nays were demanded. Yeas 10, nays 15.

YEAS—messrs. President, Creagh, Foster, Hudson, McAlpin, McClanahan, Oliver, Toulmin, Watkins and Watrous.

NAYS—messrs. Arrington, Bishop, Brindley, Dent, Dougherty, Hardaway, Kelly, King, Marchbanks, McVay, Phillips, Walthall, Ward, Wilson, and Yancey.

The motion was lost, and the bill was ordered to a second reading.

A message from His Excellency, the Governor, by Mr. Garrett:

Mr. President—His Excellency, the Governor, has approved bills of the following titles, to wit:

Joint resolutions authorizing W. W. Frierson to receive and receipt for the balance due the late Quarter Master General:

An act to authorize Jacob C. Jordan to remove the property of his infant daughter from the county of Macon, in this State, to the State of Kentucky:

Joint resolutions authorizing the rescission of the contract of sale for the sixteenth section, township eleven, range one east, in Washington county:

An act to authorize Wm Magee to open a certain road therein named and for other purposes:

An act to authorize the court of roads and revenue of Lawrence county to levy a tax:

An act to authorize the transfer of causes from the orphans' court to the chancery court, in certain cases:

An act to amend an act entitled an act to run and mark out the line between the counties of Shelby and Jefferson:

An act to authorize and require the President and Directors of the Branch Bank at Huntsville, to consummate a certain contract: and

An act to authorize the commissioners of the sixteenth section of township twenty-two, range two east, Tuscaloosa land district, in the county of Sumter, to rescind a certain contract therein named.

Mr. McClanahan, from the committee on enrolled bills, reported that they had examined and find correctly enrolled, bills of the following titles, to wit:

An act to provide for a full and equitable assessment of taxes for the city of Mobile:

Joint resolutions relative to the manufactures within the State Penitentiary:

An act to amend an act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile:

An act for the relief of the citizens of township sixteen, range seven east in Benton county:

An act to change the time of holding the county court of Shelby county:

An act to locate permanently the county site of the county of Cherokee, and for other purposes:

An act to incorporate the Tennessee and Coosa Rail Road Company:

An act to add a part of the twenty-sixth to the thirtieth regiment, Alabama militia:

An act to change the time of holding the commissioners' court in the counties of Cherokee and Madison:

An act to be entitled an act for the relief of Sarah Ann Black, of Wilcox county.

An act entitled an act to change the time of holding the fall term of the circuit court of Pike county, for the year one thousand eight hundred and forty-four:

An act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township twelve, range five in Wilcox county:

An act in relation to the fees of certain officers in Baldwin county:

An act to repeal the law incorporating the town of Clayton, in Barbour county:

An act to assess and collect a county tax in the counties of Macon and Montgomery:

An act entitled an act authorizing the filing of bills in chancery, in certain cases:

An act in relation to the rescission of certain contracts of purchase of a part of sixteenth section in the county of Wilcox:

An act authorizing the rescission of a contract of sale of a part of section sixteen, in Shelby county:

Joint resolutions from the House in relation to the preservation of the faith and credit of the State, was read a first time.

Mr. Watrous moved to lay the resolution on the table, and demanded the yeas and nays. Yeas 2, nays 24.

YEAS—messrs. Oliver and Winston,

NAYS—messrs. President, Arrington, Bishop, Brindley, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Phillips, Toulmin, Walker of B. Walthall, Ward, Watkins, Wilson and Yancey.

The motion was lost, and on the passage of the resolutions, the yeas and nays were demanded. Yeas 24, nays 2.

YEAS—messrs President, Arrington, Bishop, Brindley, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Phillips, Toulmin, Walker of B. Walthall, Ward, Watkins, Wilson and Yancey.

NAYS—messrs. Oliver and Watrous.

The Senate then adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, Tuesday Morning, January 16, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McClanahan, from the committee on enrolled bills, made the following report:

The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit :

An act to fix the pay of jurors and witnesses in Randolph county :

Joint resolutions in relation to certain mail routes :

An act to amend an act to incorporate the Mobile Navigation and Insurance company, approved fourteenth February, one thousand eight hundred and forty-three :

An act to amend the charter of the town of Gainesville, in Sumter county :

An act to authorize James Nance to remove the settlement of the estates of Lundy Lee and Pleasant Lee from the county of Dallas, to Pickens county :

An act to incorporate a company for the purpose of manufacturing woolen and cotton goods :

An act to incorporate the town of Sumterville, in Sumter county :

An act concerning the administration of the estate of Wm. S. Chapman, deceased :

An act entitled an act to incorporate Lafayette, in Chambers county :

An act to amend the charter of the town of Marion, in Perry county :

An act to divorce certain persons therein named :

An act to authorize the investment of the United States Treasury notes, being a portion of the two per cent. fund in United States stock :

An act for the benefit of Lewis Bishop, of Talladega county :

An act for the relief of Jesse Howard, John Agnew, and others :

An act to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama, and its several Branches, and for other purposes :

An act entitled an act to incorporate the town of Pickensville, in Pickens county :

An act to provide for the better maintenance of the poor in Dallas county :

An act to confer certain powers and privileges therein named :

An act to authorize the Judge of the county court and commissioners of roads and revenue of Randolph county to levy a special tax.

Mr. McClanahan also reported that the committee on enrolled bills have examined and find correctly enrolled bills of the following titles, to wit :

An act for the support of paupers in the county of Pike :

An act authorizing the formation of a captain's company, in De Kalb county :

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county :

An act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, township twelve, range five, in Wilcox county:

An act to divorce Emily Susan Snipes from her husband Jeremiah Snipes:

An act to provide for electing Grand Jurors in the county of Marion:

An act to incorporate the town of Hopkinsville, in Sumter county:

An act to change the name of the county seat of Randolph county from that of McDonald to Wedowe, and to incorporate the same:

An act to change the time of holding the county court of Pike county:

An act for the relief Jacob Merrill, of Covington county.

Mr. McVay reported that the committee on propositions and grievances, to which was referred a bill to be entitled an act to establish by law muster days in the ninth division, Alabama militia, and for other purposes, have, according to order, had the same under consideration, and have instructed me to report the bill back to the Senate, and ask to be discharged from the further consideration of the same.

And the committee were discharged.

Mr. Toulmin, from the committee on the State Bank, to which was referred a certain preamble and resolution relative to an act passed at the called session, in the year one thousand eight hundred and forty-one, for the relief of the Bank of Mobile, submitted the following report:

The committee on the State Bank, to which the above preamble and resolution was referred, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate on the subject.

On motion of Mr. McClanahan, the report was laid on the table.

Mr. Walker, from the committee on the judiciary, submitted the following report:

The committee on the Judiciary, to whom was referred an engrossed bill from the House of Representatives, entitled an act to amend the statute of limitations, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

The bill was read the third time forthwith and passed.

Mr. Brindley, from the committee on roads, bridges and ferries, to which was referred an engrossed bill from the House, entitled an act to authorize Major A. Price, to keep in repair a turnpike road therein named, reported back the following:—

The committee on roads, bridges and ferries, to whom was referred the engrossed bill to be entitled, an act to authorize Major A. Price, to keep in repair a turnpike road therein specified, have had the same under consideration, and amended the second section thereof thus: strike out beginning at "Benjamin," in the first line, to "appointed," in the third

line, both said words inclusive; and insert, "the commissioners court of roads and revenue, for the counties of Franklin and Marion, shall each of them respectively, appoint three."

Also strike out the word "twenty," in the fourth line of the sixth section, and insert "ten;" and thus amended, recommended its passage.

The amendments were adopted, and on ordering the bill and amendments to a third reading, the bill was lost.

Mr. Hudson submitted the following report:

The committee on accounts and claims, to whom was referred an engrossed bill from the House of Representatives, to be entitled an act to compensate Drs. White and Paulin, for medical services rendered state prisoners, in Henry county jail, have had the same under consideration, and have instructed me to report the same back to the Senate, as not in the opinion of your committee a State charge, and ought not to pass.

The report was concurred in by the Senate.

Mr. Hudson submitted the following report:

The committee on accounts and claims, to whom was referred an engrossed bill from the House of Representatives, to be entitled an act to compensate John Chancey, an officer of Dale county, for services therein named, and for other purposes, have had the same under consideration, and have instructed me to report the same back to the Senate, as not being properly authenticated, so as to justify their allowance as a State charge, and therefore think that they ought not to be allowed: in which the concurrence of the Senate is respectfully asked.

The Senate concurred in the report.

On motion of Mr. Phillips, a bill to be entitled an act to regulate the time of holding the terms of the several circuit courts in the second Judicial circuit was taken from the table.

Mr. Phillips then moved to strike out all after the enacting clause, and insert a substitute; which was adopted.

The bill as amended was read the second and third times and passed.

A message from the House:

Mr. President—The House of Representatives has passed a bill for the relief of Harvey W. Reid, of Lawrence county, in which the concurrence of the Senate is respectfully asked.

The bill was then read the first, second and third times, and passed.

A message from the House:

Mr. President—The House of Representatives refuses to concur in the first amendment of the Senate, to the bill making appropriations for the year one thousand eight hundred and forty-four, viz.: strike out "two hundred and fifty dollars, allowed to Comptroller for clerk hire."

The House concurs in the other amendments.

On motion of Mr. Dent, the Senate then receded from said amendment, viz.: strike out "two hundred and fifty dollars in the Comptroller's item for clerks hire."

Mr. McClanahan made the following report:

The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, viz.:

An act to fix permanently the court house of Covington county:

Memorial of the General Assembly of the State of Alabama, to the Congress of the United States, requesting a reduction of the price of the public lands in their said State:

An act to compensate the commissioners of roads and revenue of Pike county.

An act to change the time of holding the court in the third district, and southern chancery division, and for other purposes.

An act to incorporate the Rocky Mount Academy in the county of Lowndes.

Mr. Walker of B. from the select committee, to which was referred an act entitled an act to change the time of holding certain courts therein named, reported the same back without amendment and the bill was read a third time and passed.

Mr. McAlpin moved to take from the table a bill for the relief of Mary E. Montgomery and Mary W. Wilder, and place it among the orders of the day; which was done.

On the passage of the bill, the yeas and nays were demanded. Yeas 18, nays 10.

YEAS—Messrs. Brindley, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, King, Marchbanks, McAlpin, McVay, Moores, Oliver, Toulmin, Walthall, Ward, Wilson and Yancey.

NAYS—Messrs. President, Bishop, Creagh, Hudson, McClanahan, Reese, Walker of B. Watkins, Watrous and Winston.

On motion the caption was amended.

The bill entitled an act to prevent the reversal of judgments in cases commenced by summary proceedings, for any cause not effecting the writs, was read a third time and passed.

Engrossed bill entitled an act to amend an act to authorize a loan of a portion of the two per cent. fund to the Montgomery and West Point Railroad Company.

On the passage of the bill, the yeas and nays were demanded. Yeas 13, nays 15.

YEAS—messrs. Arrington, Brindley, Burney, Dougherty, Fleming, Foster, Hardaway, Oliver, Toulmin, Walker of B. Walthall, Ward and Wilson.

NAYS—messrs. President, Bishop, Creagh, Dent, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Walker of L. Watkins, Watrous and Yancey.

The bill was lost.

Mr. Terry moved to reconsider the vote taken on the passage of said bill, and on which motion the yeas and nays were demanded, and the vote reconsidered. Yeas 19, nays 10.

YEAS—Messrs. President, Arrington, Brindley, Burney, Dougherty, Fleming, Foster, Hardaway, Kelly, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walthall, Ward, Watkins and Wilson.

NAYS—Messrs. Creagh, Dent, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Watrous and Yancey.

On the passage of the bill, the yeas and nays were demanded, and the bill lost. Yeas 15, nays 15.

YEAS—Messrs. Arrington, Brindley, Burney, Dougherty, Fleming, Foster, Hardaway, Kelly, Oliver, Phillips, Toulmin, Walker of B. Walthall, Ward and Wilson.

NAYS—messrs. President, Bishop, Creagh, Dent, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Watkins, Watrous and Yancey.

Engrossed bill entitled an act to amend the provisions of an act approved first January, one thousand eight hundred and forty-two, entitled an act to prevent the sacrifice of real estate, was read the third time and passed.

A message from His Excellency :

Mr. President—His Excellency the Governor has approved bills of the following titles, to wit:

An act to change the time of holding the county court of Shelby county:

An act authorizing the rescission of a contract of sale of a part of a certain sixteenth section in Shelby county:

An act in relation to the rescission of a contract of purchase of a part of the sixteenth section in township twelve, range five, in Wilcox county:

An act for the relief the citizens of township sixteen, of range seven east, in the county of Benton:

An act in relation to the rescission of certain contracts of purchase of a part of the sixteenth section, in Wilcox county:

Joint resolutions relative to manufactures within the State Penitentiary:

An act to provide for a full and equitable assessment of taxes for the city of Mobile:

An act to amend an act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile:

An act to incorporate the Tennessee and Coosa Rail Road Company:

An act to establish a Board of Physicians in the county of Chambers:

An act to explain an act passed thirteenth February, in the year one thousand eight hundred and forty-three, declaring Chattooga river a public highway:

An act for the relief of Polly Rosser, wife of Daniel Rosser:

An act to change the time of holding the county court of Lowndes county:

An act explanatory of a revenue act, passed in January, one thousand eight hundred and forty-four:

An act for the relief of the representatives of Robert Williamson, deceased:

An act for the benefit of the Military Academy at Eufaula:

An act to authorize the commissioners' court of roads and revenue of the counties of Montgomery, Bibb and Chambers, to levy a tax of fif-

ty per cent. on the State tax, authorized for the year one thousand eight hundred and forty-four:

Which bills originated in the Senate.

Mr. McClanahan made the following report:

The committee on enrolled bills have examined and find correctly bills of the following titles, to wit:

An act to change the time of holding the commissioners' court in the counties of Cherokee and Madison:

An act for the relief of Francis G. D. Malempre:

An act to authorize Philip Lightfoot to erect gates on a certain road therein named,

An act to authorize Nelson H. White and Richard Burroughs to turnpike a certain road therein named, and for other purposes.

Engrossed bill from the House, entitled an act in relation to the appointment of assessors, and for other purposes; was read the first time, and ordered to a second reading.

Engrossed bill from the House, entitled an act to repeal in part an act regulating the drawing of jurors as to the county of Fayette; was read the first, second and third times, and passed.

Engrossed bill from the House, entitled an act to change the time of holding regimental musters in the counties of Fayette and Marion; was read the first and second times, and on ordering it to a third reading was lost.

Engrossed bill from the House, entitled an act to authorize the clerks of certain counties, to issue license in vacation, was read the first time and postponed indefinitely.

Engrossed bill from the House, entitled an act to rescind the contract of sale for the north half of section sixteen, township sixteen, range twenty-eight, in Russell county; was read the first time, rule suspended, read the second and third times and passed.

Engrossed bill from the House, entitled an act to change the time of holding regimental musters in the county of Fayette; was read the first time and laid on the table.

Engrossed bill from the House, entitled an act to regulate the working of roads in Barbour county; was read a first time, rule suspended, read a second and third times and passed.

Engrossed bill from the House, entitled an act to incorporate the Alabama Military and Scientific Institute, in the town of Eufaula, in Barbour county; was read a first time, rule suspended, read a second and third times and passed.

Engrossed bill entitled an act to change the time of holding the county court of Coffee county; was read a first time, rule suspended, read the second and third times and passed.

Engrossed bill to be entitled an act to incorporate the Trustees of the Bishops' Fund of the Protestant Episcopal Church of the Diocese of Alabama; was read the first time, and on a motion to postpone indefinitely, the yeas and nays were demanded.

On motion, the Senate adjourned until three o'clock P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Engrossed bill entitled an act to incorporate the Trustees of the Bishops' Fund of the Protestant Episcopal Church in the Diocese of Alabama, resumed.

Mr. Hudson moved to postpone the bill indefinitely.

The yeas and nays were demanded, and the bill indefinitely postponed. Yeas 18, nays 5.

YEAS—Messrs. President, Arrington, Brindley, Creagh, Dent, Fleming, Hardaway, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Reese, Walker of L. Ward, Watkins and Wilson.

NAYS—Messrs. Bishop, McAlpin, Phillips, Toulmin and Yancey.

Engrossed bill from the House, entitled an act to fix the time for regimental reviews in the sixteenth brigade, Alabama militia, and for other purposes, was read the first time and lost.

Engrossed bill from the House, entitled an act to authorize an election to be held in the town of Vienna, in Pickens county, was read the first, second and third times and passed.

Engrossed bill from the House, entitled an act to regulate advertising sheriffs', coroners' and administrators' sales of land and negroes, in certain counties therein named, was read the first time and lost.

Message from the House:

Mr. President—The House of Representatives concur in the amendment made by the Senate, to the resolutions proposing to elect Presidents and Directors for the State Bank and Branches.

The House of Representatives have passed the following bills, joint resolutions, &c., to wit, which originated in the House of Representatives:

A bill to be entitled an act regulating advertising sheriffs', coroners' and administrators' sales of land and negroes, in counties therein named:

An act to authorize an election to be held in the town of Vienna, in Pickens county:

An act to fix the time of regimental reviews in the sixteenth brigade, Alabama militia, and for other purposes:

An act to incorporate the Trustees of the Bishops' Fund of the Protestant Episcopal Church in the Diocese of Alabama:

An act to change the time of holding the county court of Coffee county:

An act to incorporate the Alabama Military and Scientific Institute in the town of Eufaula, county of Barbour:

An act to regulate the working of roads of Barbour county:

An act to change the time of holding regimental musters, in the county of Fayette:

An act to rescind a contract for the north half of section sixteen, township sixteen, range twenty eight, in Russell county:

An act to authorize the clerks of certain counties to issue licenses in vacation:

An act to change the time of holding regimental musters in the counties of Fayette and Marion:

Joint resolutions in relation to the preservation of the faith and credit of the State:

In which they ask the concurrence of the Senate.

Engrossed bill from the House, entitled an act to authorize Robert McKee, administrator of Wm. B. McKee, late of Greene county, to dispose of the goods, wares and merchandise of his intestate, at public sale, or otherwise, was read the first, second and third times, and passed

Engrossed joint resolutions (from the House) of instruction on the subject of changing the Constitution of the United States, were read and adopted.

Message from the House:

Mr. President—The House of Representatives have passed the following bills from the Senate:

An act to authorize the investment of the United States' stock, amended as therein shown:

An act to provide for the more equitable assessment of taxes in the city of Mobile:

An act for the final settlement of the affairs of the Planters and Merchants Bank of Mobile:

An act to authorize and require the President and Directors of the Branch Bank at Huntsville to consummate a certain contract:

An act to amend an act to run and mark out the line between the counties of Shelby and Jefferson:

An act to authorize the court of roads and revenue of Lawrence county to levy a tax.

An act to authorize William McGhee to open a certain road therein named:

An act to amend an act to incorporate the Mobile Navigation and Insurance Company, amended as therein shown:

An act to authorize the transfer of causes from the Orphans' court to the Chancery court, in certain cases:

The House has also passed joint resolutions from the Senate, entitled:

Joint resolutions, authorizing the rescission of a certain contract of sale for section sixteen, township eleven, range one west, in the county of Washington: and

Joint resolutions, relative to manufactures within the State Penitentiary:

The House concurs in the amendments made by the Senate to the bill to amend the charter of the town of Marion, in Perry county, and

in the amendments to the bill for the relief of the citizens of township fifteen, range eight east, in Benton county.

The House has originated and passed

A bill to authorize the rescission of a certain contract therein named, and for other purposes:

A bill to authorize the tax collector of Covington county to receive jury certificates in payment of taxes:

A bill to incorporate the Female Academy, in the town of Eufaula, in Barbour county:

An act for the relief of James Griffin:

An act to authorize Robert McKee, administrator of William B. McKee, to sell the goods, wares, and merchandise of his intestate, at private sale.

An act for the relief of Isaiah J. Kirksey:

An act making appropriations for certain claims.

The House has also adopted joint resolutions on the subject of the change of the constitution.

In which the concurrence of the Senate is respectfully solicited.

Engrossed bill from the House, to authorize the tax collector of Covington county to receive jury certificates only, in payment of taxes, was read the first, second and third times, and passed.

Engrossed bill entitled an act to incorporate the trustees of the Female Academy in the town of Eufaula, in Barbour county, was read the first, second and third times, and passed.

Engrossed bill from the House, entitled an act to authorize the rescission of a certain contract therein named, and for other purposes, was read the first, second and third times, and passed.

Engrossed bill from the House, entitled an act for the relief of James Griffin, and for other purposes, was read the first time, and indefinitely postponed.

The bill for the relief of Isaiah J. Kirksey, was read the first, second and third times, and passed.

Engrossed bill from the House, entitled an act making appropriations for the payment of certain claims, was read the first time, and referred to the committee on accounts and claims.

Engrossed bill, entitled an act to vest in Charlotte Warler, wife of J. H. Warler, certain rights and privileges therein named, and for other purposes, was read the first time, and laid on the table.

Engrossed bill from the House, entitled an act for the relief of justices of the peace, in the city of Tuscaloosa, and for other purposes, was read the first, second and third times, and passed.

Joint resolutions in regard to a portion of the sixteenth section, township twelve, range thirteen, in the county of Pike, was read the first, second and third times, and passed.

Message from the House:

Mr. President.—The House of Representatives have passed the following joint resolutions, to wit:

Joint resolutions, in regard to the Oregon Territory:

And Joint resolutions, in regard to the State of Georgia:
In which they respectfully ask the concurrence of the Senate.

Engrossed joint resolutions in regard to the State of Georgia, was read the first, second and third times, and passed.

Message from the House:

Mr. President—The House of Representatives concurs in the amendments made by the Senate, to the bill to raise a revenue for the support of the State Government, and to maintain the faith and credit of the State of Alabama:

Also, to the amendments of the bill for the relief of the citizens of township fifteen, range eight east, in Benton county:

Also, to the bill, to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones' Bluff:

Also, to the bill to amend the charter of the town of Marion, in Perry county.

The House has passed the following bills from the Senate, amended as therein shown:

A bill for the relief of Lewis Bishop, of Talladega county:

A bill for the relief of Polly Rosser:

A bill for the relief of Jesse Howard and James Agnew: caption amended.

The House concurs in the amendments to the bill authorizing the filing of bills in Chancery in certain cases.

The following bills from the Senate have passed without amendment:

A bill authorizing W. W. Frierson to receive and receipt for the balance due the late Quarter Master General:

A bill for the relief of the citizens of township sixteen, range seven east, in Benton county:

A bill to establish a Board of Physicians, in Chambers county:

A bill to add a part of the twenty-sixth to the twenty-eighth regiment, Alabama militia:

A bill to authorize Jacob C. Jordan to remove the property of his infant daughter, from the county of Marengo, in this State, to the State of Kentucky:

A bill to change the time of holding the county court, in Shelby county:

A bill to authorize the rescission of a certain contract of sale, in Shelby county:

A bill for the relief of the representatives of Robert Williamson, deceased:

A bill to authorize the commissioners of roads and revenue, in the counties of Montgomery, Bibb, and Chambers, to levy a tax:

A bill to incorporate the town of Sumterville, in Sumter county:

A bill for the benefit of the Military Academy, at Eufaula:

A bill to explain an act passed the thirteenth of January, one thousand eight hundred and forty-three, declaring Chattooga river a public highway:

A bill explanatory of an act to raise a revenue, passed January, one thousand eight hundred and forty-four:

A bill authorizing James Nance to remove the settlement of the estates of L. Lee and Pleasant Lee, from Dallas to Pickens county:

A bill to change the time of holding the commissioners' court in Cherokee and Madison:

A bill in relation to the rescission of a certain contract of purchase of a part of section sixteen, township twelve, range five, in Wilcox county:

A bill to amend the charter of the town of Gainesville, in Sumter county:

A bill to change the time of holding the county court of Lawrence county:

The House refuses to pass a bill to regulate damages upon appeals and writs of error.

The House has passed bills which originated in the House, to wit:

A bill to vest in Charlotte Warler, wife of J. H. Warler, certain rights therein named:

A bill for the relief of justices of the peace, in the city of Tuscaloosa, and for other purposes:

Joint resolutions, in regard to a portion of the sixteenth section, range thirteen, township twelve, in Pike county:

In which latter bills and above amendments, the concurrence of the Senate is desired:

Engrossed joint resolutions of the House, in regard to the Oregon Territory, was read, and on motion to lay on the table, the yeas and nays were demanded, and the motion prevailed.

YEAS—messrs President, Bishop, King, McClanahan, McVay, Oliver, Phillips, Walker of L. Walthall, Watkins, Watrous, Winston and Yancey.

NAYS—messrs. Creagh, Dent, Hordaway Hudson, Kelly, Marchbanks, Toulmin, Walker of B. and Wilson.

Message from the House:

Mr. President—The House of Representatives has passed a bill to reduce the expenditures of the General Assembly of the State of Alabama.

In which they ask the concurrence of the Senate.

Mr. President—The House of Representatives have passed a bill in relation to the appointment of assessors, and for other purposes.

In which they ask the concurrence of the Senate:

Engrossed bill from the House, entitled an act to retrench the expenditures of the General Assembly of the State of Alabama, was read the first time, and on motion to postpone indefinitely, the yeas and nays were demanded, and the motion lost—yeas 12, nays 13.

YEAS—messrs. President, Creagh, Fleming, Foster, Hardaway, Hudson, McClanahan, Toulmin, Walker of B. Ward, Watrous, Wilson and Winston.

NAYS—messrs. Dent, Kelly, King, Marchbanks, McAlpin, McVay, Oliver, Phillips, Walker of L. Walthall, Watkins and Yancey.

On motion to suspend the rule to give the bill a second reading, the yeas and nays were demanded, and the motion lost—yeas 13, nays 13.

YEAS—messrs. Bishop, Kelly, King, Marchbanks, McAlpin, McVay, Oliver, Phillips, Reese, Walker of L. Watkins, Winston and Yancey.

NAYS—messrs. President, Creagh, Dent, Fleming, Foster, Hardaway, Hudson, McClanahan, Toulmin, Walker of B. Ward, Watrous and Wilson.

And the bill was ordered to a second reading.

Mr. McClanahan made the following report:

The committee on enrolled bills have examined, and find correctly enrolled, bills of the following titles, to wit:

An act establishing and abolishing certain election precincts therein named:

An act to require an extra term of the courts to be holden in the third district, and southern division, and for other purposes:

Message from His Excellency:

Mr. President—His Excellency, the Governor, has approved a bill of the following title, to wit:

An act to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches, and for other purposes:

Which bills originated in the Senate.

Message from the House of yesterday, was taken up.

Mr. President—The House of Representatives have passed a resolution proposing to elect a President and two Directors for the Branch Banks at Decatur and Huntsville, on this day, at three o'clock, p. m.

Also, to elect a President and two Directors for the Branch Banks at Mobile and Montgomery:

Also, a President and four Directors for the State Bank, and a Judge of the county court of De Kalb county, at the same last mentioned hour.

On motion of Mr. Hudson, "three" was stricken out in the first paragraph, and "four, this the sixteenth instant," inserted. Also, "half past six," in the second paragraph, and "four, the sixteenth instant" inserted. And in the last paragraph, "four o'clock, this the sixteenth instant," inserted.

Message from the House:

Mr. President—The House of Representatives have passed bills from the Senate of the following titles:

An act to require an extra term of the court to be holden in the third district and third division:

An act to incorporate the Rocky Mount Academy, in the county of Lowndes:

An act to change the time of holding the court in the third district and southern chancery division, and for other purposes:

A bill for the relief of Francis D. G. Malempre, amended as therein shown.

The House concurs in the amendments by the Senate to the following bills:

A bill to establish a Chancery court in the county of Randolph, and for other purposes:

A bill to authorize Elias Persinger and his associates to construct a wharf on the Black Warrior river, in the town of North Port:

A bill to enable the executrix of M. J. Kenan, deceased, to secure the payment of a certain sum of money therein named, to the Branch Bank at Mobile.

A bill to authorize the commissioners court of roads and revenue in the counties of Barbour, Henry, Franklin and Benton, to levy additional taxes and for other purposes:

A bill to authorize Philip Lightfoot to erect gates across a certain road therein named.

A message from the House:

Mr. President—The House has passed a bill from the Senate to establish and abolish certain election precincts therein named.

The House has also originated and passed a bill to establish and abolish certain election precincts therein named.

In which the concurrence of the Senate is requested.

Message from the House:

Mr. President:

Resolved, That the Senate be now invited into the hall of the House, to go into elections for a President and four Directors of the Bank of the State of Alabama—a President and two Directors for the Branch of the Bank of the State of Alabama at Huntsville—a President and two Directors for the Branch Bank at Decatur—a President and two Directors for the Branch Bank at Montgomery—a President and two Directors for the Branch Bank at Mobile—and a Judge of the County Court of De Kalb County.

The Senate forthwith repaired to the hall of the House, were seated, and Mr. President announced the object of the assembling of the two houses.

The two houses then proceeded first to the election of a President of the Branch Bank at Decatur:

The names of — *Carroll*, *R. B. Fenner*, and — *Rather*, being in nomination.

Those who voted for *Mr Carroll*, are messrs President, Arrington, Bishop, Creagh, Foster, Hudson, Kelly, Marchbanks, McVay, Toulmin, Walker of B. Walthall, Watkins Wilson and Winston of the Senate; and messrs. Speaker, Alexander, Allen, Baldwin, Banks, Caffey, Calloway, Clancey, Cook, Davis of L. Douglass, Evans, Garrett, Hancock, Hendrix, Hill of B. Hill of T. Holstein, Huntington, Jones of F. Lang, Lankford, Martin, McCarty, McGriff, McLeod, McMillion of J. Meri-

wether, Miree, Mitchell, Norman, Owens, Scruggs, Steele, Stringer, Sykes, Tate, Turner, Whitsitt, Williams of J. and Winston of the house—52.

Those who voted for *Mr. Fenner*, are messrs. Fleming and *Walker* of L. of the Senate; and messrs. Aldridge, Bryan, Campbell, Cobb, Frazier, Harris, Hubbard, McMillion of B. Morris, Portis and *Walker* of the house—13.

Those who voted for *Mr. Rather*, are messrs. Brindley, Dent, Dougherty, Hardaway, King, McAlpin, McClanahan, Oliver, Phillips, Reese, Ward, Watrous and Yancey of the Senate; and messrs. Anderson, Barker, Barron, Bridges, Bugbee, Clarke, Clemens, Davis of B. Dear, Drane, Dunn, Fletcher, Franks, Griffin, Hale, Howard, Humphreys, Jackson of A. Jackson of B. J. D. Johnson, R. T. Johnston, McAlpin, McLemore, Moore of mad. Morrisett, Mudd, Nall, Oliver, Rose, Sandidge, Segar, Snowden, Spruill, Troup, Webb, Williams of H. and Witherspoon of the House—51.

Neither having received a majority of the votes given, the two houses proceeded to ballot a second time. The name of *Mr. Fenner* being withdrawn.

Those who voted for *Mr. Carroll*, are messrs. President, Bishop, Creagh, Fleming, Foster, Hudson, Kelly, Marchbanks, McVay, Toulmin, *Walker* of B. *Walker* of L. Walthall, Watkins, Wilson and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Baldwin, Banks, Bryan, Caffey, Clancey, Cobb, Cook, Davis of L. Douglass, Hancock, Harris, Hill of B. Hill of T. Holstein, Hubbard, Huntington, Jones of F. Lang, Lankford, Martin, McCarty, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Morris, Norman, Owens, Portis, Reid, Scruggs, Steele, Stringer, Sykes, Tate, Turner, Walker, Whitsitt, Williams of J. and Winston of the house—63.

Those who voted for *Mr. Rather*, are messrs. Arrington, Brindley, Dent, Dougherty, Hardaway, King, McAlpin, McClanahan, Oliver, Phillips, Reese, Ward, Wilson and Yancey of the senate; and messrs. Anderson, Barker, Barron, Bridges, Bugbee, Calloway, Campbell, Clarke, Clemens, Davis of B. Dear, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hendrix, Howard, Humphreys, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, McLemore, Moore of mad. Morrisett, Mudd, Nall, Oliver, Rose, Sandidge, Segar, Snowden, Spruill, Troup, Webb, Williams of H. and Witherspoon of the House—57.

Mr. Carroll having received a majority of all the votes given, was declared by Mr. Speaker, duly elected President of the Branch Bank at Decatur, for the time prescribed by law.

The two houses then proceeded to the election of two Directors for the same Bank:

The names of *James M. Comman*, *Clark T. Barton*, *Nathan Murphey*, *John M. Swope*, *John Hogan*, *John M. McGaughey*, and *Paul J. Watkins*, having been recommended by His Excellency.

Those who voted for *Mr. Comman*, are messrs President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Kelly, King, Marchbanks, McVay, Oliver, *Ward*, *Watkins*, Wilson, Winston and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Barker, Bryan, Caffey, Calloway, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Franks, Garrett, Griffin, Hale, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Huntington, Jackson of A. Jackson of B., Jones of F. Lang, Martin, McAlpin, McCartney, McGriff, McLeod, McMillion of B. Meriwether, Mitchell, Moore of mad. Morris, Mudd, Norman, Oliver, Portis, Reid, Rose, Sandidge, Scruggs, Snowden, Stringer, Sykes, Tate, Turner, Winston and Witherspoon of the House—74.

Those who voted for *Mr. Barton*, are messrs. President, Creagh, Hudson, McClanahan, *Walker* of B. *Watkins* and Winaton of the senate; and messrs Aldridge, Alexander, Banks, Barker, Bridges, Bugbee, Caffey, Clancey, Clarke, Davis of B. Dear, Douglass, Fletcher, Frazier, Griffin, Hancock, Harris, Holstein, Huntington, Jackson of A. Jones of F., Lankford, Martin, McAlpin, McCartney, McGriff, McLemore, McMillion of J. Meriwether, Miree, Mitchell, Morris, Norman, Owens, Sandidge, Snowden, Troup, Whitsitt and Winston of the house—46.

Those who voted for *Mr. Hogan*, are messrs Allen, Cobb, Cook, Howard, R. T. Johnston, Reid, Segar and Steele of the House—8.

Those who voted for *Mr. Murphy*, are messrs. Arrington, Bishop, Brindley, Hudson, King, Marchbanks, McAlpin, McClanahan, Phillips, Reese, Toulmin, *Walker* of B. *Walthall*, *Ward* and *Wilson* of the senate; and messrs. Speaker, Bridges, Campbell, Cobb, Humphreys, Lankford, Miree, Moore of mad. Sykes, Troup, Webb and Williams of H. of the house—27.

Those who voted for *Mr. Swope*, are messrs. Dougherty, Hardaway, Phillips and Walker of L. of the senate; and messrs. Anderson, Baldwin, Barron, Campbell, Clancey, Dunn, Hale, J. D. Johnson, McLemore, Morrisett, Mudd, Nall, Spruill, Storrs, *Walker*, and Williams of H. of the house—20.

Those who voted for *Mr. McGaughey*, are messrs Burney, Dent, Fleming, Foster, Hardaway, Kelly, McAlpin, McVay, Reese, Toulmin, *Walker* of L. *Walthall*, *Watkins*, *Watrous* and Yancey of the senate; and messrs. Speaker, Anderson, Baldwin, Banks, Barron, Bryan, Bugbee, Calloway, Clemens, Cook, Davis of B. Davis of L. Dear, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Hendrix, Hill of B. Hill of T. Howard, Hubbard, Jackson of B., J. D. Johnson, R. T. Johnston, Lang, McLeod, McMillion of B. McMillion of J. Morrisett, Nall, Oliver, Owens, Portis, Rose, Scruggs, Segar, Spruill, Steele, Stringer, Storrs, Tate, Turner, *Walker*, *Webb*, Whitsitt, Williams of H. Williams of J. and Witherspoon of the house—67.

Those who voted for *Mr. Watkins*, are messrs Oliver of the senate; and messrs Humphreys of the house—2.

Messrs. Comman and *McGaughey* having received a majority of all the votes given, was declared by Mr. Speaker duly elected Directors of the Branch Bank at Decatur, for the term prescribed by law.

The two houses then proceeded to elect a President of the Branch Bank at Huntsville.

The names of — *Bradley* and — *Ewing*, being in nomination.

Those who voted for *Mr. Bradley*, are messrs. President, Bishop, Brindley, Burney, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, McAlpin, Oliver, Reese Toulmin, Walker of B. Walthall, Watkins, Winston and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Baldwin, Barker, Bridges, Bryan, Caffey, Clancey, Clarke, Clemens, Cobb, Davis of B. Davis of L. Douglass, Drane, Garrett, Hill of B. Hubbard, Huntington, Jackson of A. Jones of F. Lang, Martin, McAlpin, *McCartey*, *McGriff*, *McLemore*, *McMillion* of J. Miree, Mitchell, *Morris*, Norman, Owens, Portis, Reid, Scruggs, Spruill, Steele, Stringer, Storrs, Turner, *Walker*, Williams of H. and Williams of J. of the house—65.

Those who voted for *Mr. Ewing*, are messrs. Arrington, Creagh, Hudson, King, Marchbanks, McClanahan, McVay, Phillips, *Walker* of L. Ward, Watrous and Wilson, of the senate; and messrs. Banks, Bugbee, Calloway, Campbell, Cook, Dear, Dunn, Evans, Fletcher, Franks, Frazier, Hancock, Harris, Hendrix, Hill of T. Holstein, Howard, Humphreys, Jackson of B., J. D. Johnson, R. T. Johnston, Lankford, McLeod, *McMillion* of B. Meriwether, Moore of mad. Morrisett, Mudd, Oliver, Rose, Sandidge, Segar, Snowden, Tate, Troup, Webb, Whitsitt, Winston and Witherspoon of the house—57.

Mr. Bradley having received a majority of all the votes given, was declared by Mr. Speaker duly elected President of the Branch Bank at Huntsville, for the term prescribed by law.

The two Houses then proceeded to the election of two Directors for the same Bank:

The names of *Thomas Brandon*, *William Echols*, *Fleming Jordan*, *William J. Mastin*, *George W. Neal*, *Joseph Rice*, and *George Steele*, having been recommended by His Excellency.

Those who voted for *Mr. Brandon*, are messrs. President, Arrington, Bishop, Brindley, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McVay, Moores, Oliver, Toulmin, *Walker* of B. Walthall, *Ward*, *Watkins*, *Watrous*, *Wilson*, *Winston* and *Yancey* of the senate; and messrs. Speaker, Aldridge, Allen, Baldwin, Banks, Barker, Bridges, Bryan, Calloway, Clancey, Clarke, Clemens, Cobb, Dear, Douglass, Drane, Evans, Fletcher, Franks, Garrett, Griffin, Hale, Hancock, Harris, Hendrix, Hill of B. Holstein, Hubbard, *Humphreys*, *Huntington*, Jackson of A. Jones of F., J. D. Johnson, Lang, Lankford, Martin, *McCartey*, *McGriff*, *McMillion* of B. *McMillion* of J. Meriwether, Mitchell, Morris, Morrisett, Oliver, Owens, Portis, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Storrs, Sykes, Tate, Turner, *Walker*, *Webb*, Whitsitt, Williams of H. and Williams of J. of the house—88.

Mr. Echols received no votes.

Those who voted for *Mr. Jordan*, are messrs. Frazier of the house—1.

Messrs. McClanahan and Winston of the senate, voted for Mr. Martin.

Those who voted for *Mr. Neal*, are messrs. President, Arrington, Brindley, Burney, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, McAlpin, Phillips, Reese, Toulmin, Walker of B. Ward, Watkins, and Watrous of the senate; and messrs. Speaker, Alexander, Allen, Baldwin, Banks, Barker, Barron, Bridges, Bryan, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of B. Davis of L. Dear, Douglass, Dunn, Evans, Frazier, Garrett, Hale, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartney, McGriff, McLemore, McLeod, McMillion of J. Miree, Mitchell, Moore of M. Morrisett, Mudd, Norman, Portis, Reid, Scruggs, Segar, Snowden, Steele, Storrs, Tate, Troup, Turner, Walker, Webb, Williams of H. Williams of J. and Witherspoon of the house—86.

Those who voted for *Mr. Rice*, are messrs. Bishop, Creagh, McClanahan, Moores and Walker of L. of the senate; and messrs. Aldridge, Alexander, Caffey, Franks, Griffin, Hancock, Hill of T., J. D. Johnson, McMillion of B. Meriwether, Miree, Norman, Oliver, Sandidge and Sykes of the house—20.

Those who voted for *Mr. Steele*, are messrs. Burney, Fleming, Kelly, King, Marchbanks, McAlpin, McVay, Oliver, Phillips, Reese, Walker of L. Walthall and Wilson of the senate; and messrs. Barron, Bugbee, Campbell, Davis of B. Davis of L. Drane, Dunn, Fletcher, Harris, Hendrix, Howard, Jackson of B., R. T. Johnston, McAlpin, McLemore, McLeod, Moore of M. Morris, Mudd, Rose, Steele, Stringer, Troup, Whitsitt and Witherspoon of the house.

Messrs. Brandon and Neal, having received a majority of all the votes given, was declared by Mr. Speaker duly elected Directors of the Branch Bank at Huntsville, for the term prescribed by law.

The two Houses next proceeded to elect a President of the Branch Bank at Montgomery.

The name of *John Martin* being alone in nomination and he having received one hundred and twelve votes, the whole number given, was declared by Mr. Speaker duly elected President of the Branch Bank at Montgomery, for the term prescribed by law.

The two Houses then proceeded to elect two Directors for the same Bank:

The names of *Nimrod E. Benson, Elisha Y. Fair, Hugh W. Henry, John P. Figh, Absalom Jackson, Jeremiah W. Loftin, Jr.* and *Barton W. Stone*, being recommended by His Excellency:

The name of *Elisha Y. Fair* was withdrawn.

Those who voted for *Mr. Benson*, are messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Watrous, Wilson, and Winston of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barron,

Bridges, Bryan, Bugbee, Caffey, Clancey, Clarke, Cobb, Davis of B. Davis of L. Dear, Douglass, Dunn, Evans, Fletcher, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B., Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McCartney, McGriff, McLemore, McLeod, McMillion of J. Meriwether, Miree, Mitchell, Morris, Morrisett, Mudd, Oliver, Owens, Portis, Reid, Rose, Sandidge, Scruggs, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Troup, Turner, Walker, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon of the house—106.

Those who voted for *Mr. Figh*, are messrs Dent, McAlpin, Phillips, Reese, and Walker of L. of the senate; and messrs. Bugbee, Dunn, R. T. Johnston, McAlpin, Mitchell and Webb of the house—11.

Those who voted for *Mr. Henry*, are messrs. McClanahan of the senate; and messrs. Caffey, Huntington, and Rose of the house—4.

Those who voted for *Mr. Jackson*, are messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dougherty, Fleming, Foster, Hudson, Kelly, King, Marchbanks, Moores, Toulmin, Walker of B. Watrous, Wilson and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Bank-, Barker, Bridges, Bryan, Clancey, Clarke, Cobb, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Evans, Fletcher, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Jackson of A. Jackson of B., Jones of F., J. D. Johnson, Lang, Lankford, McCartney, McGriff, McLemore, McLeod, McMillion of J. Meriwether, Miree, Moore of B. Morris, Mudd, Nall, Owens, Portis, Reid, Sandidge, Scruggs, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon of the house—88.

Those who voted for *Mr. Loftin*, are messrs. Hardaway, Kelly, McVay and Yancey of the senate—4.

Those who voted for *Mr. Stone*, are messrs Oliver, Walthall and Winston of the senate; and messrs. Baldwin, Banks, Barron, Cook, Drane, Morrisett, Nall, Oliver, Segar, Snowden, and Winston of the house—14.

Messrs. *Benson* and *Jackson* having received a majority of all the votes given, Mr. Speaker declared them duly elected Directors of the Branch Bank at Montgomery, for the term prescribed by law.

The two Houses then proceeded to elect a President for the Branch Bank at Mobile:

The names of *Edmund Harrison* and *Theophilus L. Toulmin*, being in nomination.

Those who voted for *Mr. Harrison*, are messrs. Arrington, Burney, Dent, Dougherty, Hardaway, Walker of L. Walthall, Watkins and Yancey of the senate; and messrs. Speaker, Banks, Barron, Bryan, Caffey, Campbell, Clancey, Davis of B. Dear, Drane, Evans, Franks, Garrett, Harris, Hendrix, Holstein, Jackson of A., J. D. Johnson, R. T. Johnston, McAlpin, McCartney, McGriff, McLemore, McLeod, Meriwether, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Segar,

Snowden, Spruill, Steele, Stringer, Storrs, Williams of H. and Williams of J. of the house—48.

Those who voted for *Mr. Toulmin*, are messrs. President, Brindley, Creagh, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Walker of B. Wilson, and Winston of the senate; and messrs. Aldridge, Alexander, Allen, Anderson, Baldwin, Barker, Bridges, Clarke, Clemens, Cobb, Davis of L. Douglass, Dunn, Fletcher, Frazier, Griffin, Hale, Hancock, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., Lang, Lankford, Martin, McMillion of B. McMillion of J., Miree, Owens, Portis, Reid, Rose, Sandidge, Sykes, Tate, Troup, Turner, Walker, Whitsitt and Winston of the house—59.

Mr. Toulmin having received a majority of all the votes given, Mr. Speaker, declared him duly elected President of the Branch Bank at Mobile for the term prescribed by law.

The two houses then proceeded to the election of two Directors for the same Bank:

The names of *James S. Deas, William P. Gould, Cornelius Robinson, David Stodder, Seaborn Travis, Joseph Wiswell* and *Joseph W. Lessense*, were recommended by His Excellency.

The name of *Joseph W. Lessense* was withdrawn.

Those who voted for *Mr. Deas*, are messrs. Arrington, Bishop, Brindley, Creagh, Dougherty, Hudson, Kelly, McClanahan, McVay, Moores, Phillips, Reese, Toulmin, Watkins and Yancey of the Senate; and messrs. Speaker, Alexander, Barron, Bridges, Bryan, Caffey, Clarke, Cobb, Douglass, Fletcher, Franks, Garrett, Harris, Hendrix, Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, Lang, Lankford, McGriff, McLeod, McMillion of J. Miree, Mitchell, Morris, Morrisett, Oliver, Owens, Portis, Sandidge, Snowden, Stringer, Storrs, Sykes, Tate, Turner, Walker, Webb, Williams of H. and Witherspoon of the house—62.

Those who voted for *Mr. Gould*, are messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Watkins, Watrous, Wilson and Winston of the senate; and messrs. Speaker, Aldridge, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bugbee, Campbell, Clancey, Clarke, Clemens, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Griffin, Hale, Hancock, Hill of B. Howard, Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartney, McGriff, McLemore, McLeod, Mitchell, Moore of mad. Morrisett, Mudd, Nall, Oliver, Owens, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Sykes, Tate, Turner, Walker, Webb, Whitsett, Williams of H. Williams of J. Winston and Witherspoon of the house—90.

Those who voted for *Mr. Robinson*, are messrs. President, Burney, Fleming, Foster, Hardaway, Kelly, Marchbanks, Oliver, Walker of B. Walthall, Wilson and Yancey of the Senate; and messrs. Aldridge,

Alexander, Allen, Barker, Bryan, Bugbee, Caffey, Campbell, Clancey, Cobb, Davis of L. Drane, Evans, Frazier, Garrett, Griffin, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Jackson of A. Martin, McCartey, McLemore, Meriwether, Miree, Moore of M. Morris, Nall, Portis, Reid, Rose, Segar, Steele, Williams of J. and Winston of the house—50.

Those who voted for *Mr. Stodder*, are messrs. King, McAlpin, Walker of L. Watrous, and Winston of the senate; and messrs. Anderson, Baldwin, Banks, Clemens, Davis of B. Dear, Dunn, Hale, Jackson of B., R. T. Johnston, McAlpin, McMillion of J. Meriwether, Mudd, Scruggs, Spruill, Steele, Troup, and Whitsitt of the house—24.

Those who voted for *Mr. Travis*, are messrs. Dent of the senate; and messrs. Bridges of the house—2.

Messrs. Deas and Gould having received a majority of all the votes given, Mr. Speaker declared them duly elected Directors of the Branch Bank at Mobile, for the term prescribed by law.

The two houses then proceeded to elect a President for the State Bank of Alabama.

The name of *Joel Riggs* alone being in nomination, and he having received one hundred and sixteen votes, being the whole number of votes given, Mr. Speaker declared him duly elected President of the Bank of the State of Alabama, for the term prescribed by law.

The two houses then proceeded to elect four Directors for the State Bank:

The names of *Lincoln Clark, John R. Drish, John Duffee, James Guild, James Hogan, Reuben Searcy, and Joel White*, having been recommended by His Excellency.

The name of *John R. Drish* was withdrawn.

Those who voted for *Mr. Clarke*, are messrs. President, Bishop, Kelly, Marchbanks, McClanahan, Toulmin, Walker of B. Watrous and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Baldwin, Banks, Bridges, Caffey, Clancey, Clarke, Clemens, Cobb, Davis of L. Douglass, Fletcher, Frazier, Griffin, Hale, Harris, Hendrix, Hill of B. Hill of T. Holstein, Humphreys, Huntington, Jackson of A. Jones of F., R. T. Johnston, Lang, Lankford, Martin, McAlpin, McLeod, McMillion of J. Meriwether, Miree, Moore of M. Morris, Mudd, Owens, Portis, Reid, Sandidge, Scruggs, Steele, Stringer, Storrs, Sykes, Tate, Troup, Turner, Walker, Whitsitt, Williams of J. and Winston of the house—64.

Those who voted for *Mr. Duffee*, are messrs. President, Brindley, Creagh, Dougherty, Hardaway, Kelly, King, Marchbanks, McClanahan, Moores, Oliver, Phillips, Reese, Walthall, Watkins, Wilson and Yancey, of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barker, Bridges, Bryan, Bugbee, Caffey, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of B. Davis of L. Dear, Douglass, Drane, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Jones of F., Lang, Lankford, Martin, McLemore, McMillion of J. Meriwether, Miree, Morris, Morrisett, Nall, Owens, Reid, Rose, San-

didge, Scruggs, Segar, Snowden, Steele, Stringer, Sykes, Tate, Turner, Walker, Williams of H. and Winston of the house—77.

Those whose voted for *Mr. Guild*, are Messrs. Arrington, Bishop, Brindley, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, McAlpin, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Watkins, Watrous, Wilson and Yancey, of the senate; and messrs. Aldridge, Alexander, Baldwin, Banks, Barker, Barron, Bryan, Bugbee, Caffey, Campbell, Clemens, Davis of B. Dear, Drane, Dunn, Fletcher, Frazier, Garrett, Hancock, Harris, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. J. D. Johnson, Lang, Lankford, McAlpin, McLemore, McLeod, McMillon of J. Meriwether, Miree, Mitchell, Moore of H. Morris, Morrisett, Mudd, Nall, Oliver, Rose, Sandidge, Segar, Snowden, Spruill, Storrs, Sykes, Troup, Webb, Williams of H. Winston and Witherspoon of the house—85.

Those who voted for *Mr. Hogan*, are messrs. Arrington, Bishop, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Walker of B. Walker of L. Walthall, Watkins, Watrous and Wilson of the senate; and messrs. Speaker, Baldwin, Banks, Barker, Barron, Bryan, Bugbee, Campbell, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Dunn, Garrett, Griffin, Hale, Hancock, Hendrix, Hill of B. Howard, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McLemore, McLeod, Mitchell, Moore of H. Morrisett, Mudd, Nall, Oliver, Owens, Portis, Rose, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Tate, Troup, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon of the house—82.

Those who voted for *Mr. Searcey*, are messrs. President, Arrington, Bishop, Brindley, Dent, Fleming, Foster, Hudson, Marchbanks, McAlpin, McClanahan, McVay, Toulmin and Walker of L. of the senate, and messrs. Aldridge, Alexander, Allen, Barron, Bridges, Bryan, Caffey, Clancey, Clemens, Cobb, Davis of L. Douglass, Fletcher, Frazier, Hale, Hancock, Harris, Hill of T. Holstein, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McMillon of J. Meriwether, Miree, Mitchell, Morris, Portis, Reid, Sandidge, Spruill, Steele, Stringer, Sykes, Troup, Turner, Webb, Whitsitt, Williams of J. Winston and Witherspoon of the house—58.

Those who voted for *Mr. White*, are messrs. President, Arrington, Brindley, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, King, McAlpin, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Watkins, Watrous, Wilson and Yancey of the senate; and messrs. Speaker, Allen, Baldwin, Barker, Barron, Bridges, Bugbee, Campbell, Clancey, Clarke, Davis of B. Davis of L. Dear, Drane, Dunn, Garrett, Griffin, Hale, Hendrix, Howard, Hubbard, Humphreys, Jackson of B., J. D. Johnson, R. T. Johnston, Martin, McAlpin, McLemore, McLeod, Mitchell, Moore of H. Morrisett, Mudd, Nall, Oliver, Owens, Portis, Reid, Rose, Scruggs,

Sagar, Snowden, Sprell, Stora, Tate, Turner, Walker, Webb, Whit-
 mit, Williams of H. Williams of J. and Witherspoon of the house—
 77.

Messrs. Duffee, Guild, Hogan and White, having received a ma-
 jority of all the votes given, Mr. Speaker declared them duly elected
 Directors of the Bank of the State of Alabama, for the term prescribed
 by law.

The two houses then proceeded to elect a Judge for the County Court
 of De Kalb County.

The name of *Pollard O. Naylor* being alone in nomination, and he
 having received eighty-six votes, being the whole number given, was
 declared by Mr. Speaker, duly elected Judge of the County Court of De
 Kalb county, for the term prescribed by the constitution.

Mr. McClanahan, from the committee on enrolled bills, reported
 as correctly enrolled, bills of the following titles, viz:

An act for the relief of Richard Locke:

An act in relation to the sixteenth section fund in Bibb county:

An act to define and establish the county line between the counties of
 De Kalb and Cherokee:

An act for the relief of Joseph Guynes and others:

An act to extend the powers of the town commissioners in De Kalb
 county:

An act to divorce Elizabeth Holloway from her husband, Washington
 Holloway:

An act to establish a Medical Board in Eufaula, in Barbour county:

Engrossed bill, entitled an act for the better security of vessels and
 property upon the waters of this State, was taken up, as amended by the
 House, to wit: At the end of the second section; "Provided, That the
 person suing out such attachment shall be required to give bond payable
 to the owner or owners of such boat, in such sum as the officer granting
 such attachment may demand, conditioned that the person suing out such
 attachment shall prosecute his suit to effect, and pay the owner or owners
 all such damages as he or they may sustain by the wrongful or vexatious
 suing out of such attachment.

Provided further, That the penalty in said bond shall not limit the
 amount of recovery for the wrongful or vexatious suing out of such at-
 tachment."

The amendments were concurred in.

Engrossed bill entitled an act to establish and abolish certain election precincts therein named, was read the first, second and third times, and passed.

Engrossed bill, to change the time of holding the circuit courts in the second judicial circuit, was amended by the House, and the amendments concurred in by the Senate.

A message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following bill:

A bill to be entitled an act to form a new beat in Franklin county, which originated in the House, and in which they ask the concurrence of the Senate.

A bill to be entitled an act to form a new beat in Franklin county, was read three times, and passed.

A message from the House, by Mr. Clitherall:

Mr. President—The House has passed a bill to change the time of holding the circuit courts of the second judicial circuit, and have amended the same as therein shown:

The House has also passed a bill for the relief of Joseph Guynes, and others:

A bill to regulate the duties and compensation of the Adjutant and Inspector General, and to provide for the better organization of the militia of the State:

And a bill to compensate Charles M. Donoho and James H. Owen; which originated in the House, and in which they ask the concurrence of the Senate.

A bill to regulate the compensation and duties of the Adjutant and Inspector General and for the better organization of the militia of the State, was read the first time, and on motion of Mr. Dent postponed indefinitely.

A bill for the payment of Charles M. Donoho, and James H. Owen, was read the first and second times, and amended by Mr. Terry as follows: "And *provided*, That the further sum of ten dollars be allowed A. R. Thomas, Doorkeeper of the Senate, for collecting the stationery, &c., and filing an inventory of the same with the Secretary of State at the close of the present session."

The bill and amendment were referred to the committee on accounts and claims.

A message from the House, by Mr. Clitherall:

The House has passed bills from the Senate, to authorize the Bank to sell a certain tract of land therein described:

A bill to authorize brigade encampment drills, in the sixth brigade, Alabama militia.

A message from the House:

Mr. President—The House has passed the bill for the better security of vessels and property on the waters of this State, and amended the same as therein shewn.

A bill to change the time of holding the circuit and county courts in Limestone county, and for other purposes, was read a second and third times, and passed.

Mr. Phillips, from the judiciary committee, to whom was referred a bill entitled an act to confirm the emancipation of certain slaves therein named, reported the same back, and asked to be discharged; concurred in.

A bill entitled an act to confirm the emancipation of certain slaves, was read a third time, and laid on the table.

Mr. Phillips, from the same committee, to whom was referred a bill to be entitled an act to emancipate certain slaves, reported the same back and asked to be discharged; concurred in.

The bill entitled an act to emancipate certain slaves, was then read a second time, and ordered to a third reading.

Mr. Creagh offered the following, which was adopted:

Resolved, That the Committee on the State Printing have five hundred copies of the acts of the present session printed for the use of the Senate.

The Senate then adjourned until ten o'clock, to-morrow morning.

WEDNESDAY MORNING, January 17th, 1844.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McClanahan, from the committee on enrolled bills, reported the following as correctly enrolled:

An act to authorize the levy of a special tax in the county of Fayette, for the support of paupers:

Enrolled joint resolutions, for the relief of Hudson W. Nelson, tax collector of Shelby county:

Joint resolutions, in relation to the preservation of the credit of the State:

An act to provide more permanently for the payment of jurors in Lowndes counties:

An act for the relief of John W. Bloodworth, late tax collector of Barbour county:

An act to change in part the line between the thirty-fifth and thirty-third Alabama militia, and for other purposes:

An act in relation to the rescission of a certain contract of purchase of a part of sixteenth section, township eleven, range six:

An act to incorporate the Euseb state and female seminary, in Macon county:

An act to establish a Chancery court for the county of Randolph, and for other purposes:

An act for the relief of Harvey W. Reid, of Lawrence county:

An act for the relief of Isaac Swan, tax collector of Sumter county:

An act to enable the executrix of Michael J. Kenan, to secure the payment of certain money due the Branch Bank at Mobile:

An act to authorize the Judge of the county court of Covington county to receive certain notes, and for other purposes:

An act to authorize the commissioners' court of roads and revenue in the counties to lay additional taxes, and for other purposes:

An act more permanently to define the county line between Henry and Barbour counties:

An act concerning the payment of fines and forfeitures for the county of Cherokee:

An act to change the time of holding the county court of Dallas county, and for other purposes:

An act to authorize the election of a justice of the peace in the town Warrenton:

An act making appropriations for the year one thousand eight hundred and forty-four:

An act to test the sense of the people of Barbour county, in the propriety of removing the seat of justice in said county, and for other purposes:

An act to authorize Elias Persinger and his associates to construct a wharf on the Black Warrior river, in the town of Northport:

An act to authorize the Bank to sell a certain tract of land therein mentioned:

An act for the better security of vessels and property on the waters of this State:

An act to change the time of holding the circuit courts in the second judicial circuit:

An act to authorize brigade encampments in the sixth brigade, Alabama militia:

An act to authorize Robert McKee, administrator of William B. McKee, late of Greene county, to dispose of the goods, wares and merchandise of his intestate, at private sale or otherwise:

Mr. Hudson, from the committee on accounts and claims, to whom was referred a bill making appropriations for the payment of claims against the State, reported the same, with amendments, to wit:

Change the sum allowed in the bill to John R. Coffey, sheriff of Jackson county, to three hundred and eighty-three dollars and ninety-five cents, to come in at the end of the second session.

The bill was then read the third time and passed.

Mr. Hudson, from the same committee, to whom was referred a bill for the payment of Charles M. Donoho and James H. Owen, with the amendments, reported the same back, and on his motion laid on the table.

Mr. Terry moved to reconsider the vote taken yesterday on the passage of the bill, authorizing the loan of a portion of the two per cent. fund, to the Montgomery and West Point rail road company.

The vote was reconsidered—yeas 13, nays 6.

YEAS—Messrs. President, Brindley, Burney, Dougherty, Fleming, Foster, Hardaway, Oliver, Toulmin, Walker of B. Walthall, Ward and Wilson.

NAYS—messrs. Creagh, Dent, Hudson, Marchbanks, McClanahan, McVay, Reese and Walker of L.

The question then being on the passage of the bill, the yeas and nays were demanded and the bill was lost—yeas 12, nays 12.

YEAS—messrs. Arrington, Brindley, Burney, Dougherty, Fleming, Foster, Hardaway, Oliver, Toulmin, Walker of B. Ward and Wilson.

NAYS—messrs. President, Creagh, Dent, Hudson, Marchbanks, McAlpin, McClanahan, McVay, Reese, Walker of L. Walthall and Watrous.

A message from the House:

Mr. President—The House has passed bills from the Senate, entitled as follows:

To change the time of holding the fall term of the Montgomery Circuit Court.

The House concurs in the amendments by the Senate, to the bill to change the manner of drawing grand jurors in certain counties.

A message from the House:

Mr. President—The House has passed the following resolution:

Resolved, That with the concurrence of the Senate the two Houses will adjourn sine die, this day, at twelve o'clock, M., and that a committee be appointed on the part of this House to act with such committee as may be appointed on the part of the Senate, to wait on His Excellency the

Governor, and inform him that the two Houses will adjourn sine die, this day at twelve o'clock, if he has no further communications to make.—Messrs. Bridges, Banks and Lang, were appointed said committee on the part of the House.

Mr. McVay introduced the following resolution, which was adopted:

Resolved, That a committee be appointed on the part of the Senate to act jointly with such committee as have been appointed on the part of the House of Representatives, to wait on His Excellency, the Governor, and inform him that the two Houses have completed the business before them, and are ready to adjourn sine die if he has no further communications to make to them. Messrs. McVay, Fleming and Dent, were appointed said committee.

A bill entitled an act to emancipate certain slaves therein named, was read a third time, and on motion to lay the bill on the table, the yeas and nays were demanded—yeas 10, nays 7.

YEAS—Messrs. President, Arrington, Bishop, Dent, Fleming, Hudson, McAlpin, McClanahan, McVay and Reese.

NAYS—Messrs. Creagh, Hardaway, Toulmin, Walker of B. Walthall, Ward and Wilson.

The bill was laid on the table.

A bill to appoint assessors in the different beats in the several counties of this State, was read a third time and passed—yeas 13, nays 6.

YEAS—messrs. President, Arrington, Creagh, Fleming, Foster, Hardaway, Hudson, Reese, Toulmin, Walker of B. Walthall, Watrous, and Wilson.

NAYS—messrs. Bishop, Dent, McAlpin, McClanahan, McVay and Walker of L.

Engrossed bill entitled an act to retrench the expenditures of the General Assembly of the State of Alabama, was read a second time, and referred to the committee on the judiciary.

Mr. McClanahan, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

A bill for the relief of Isaiah J. Kirksey:

An act to authorize an election to be held in the town of Vienna, in Pickens county:

An act to change the time of holding certain courts therein named:

An act to authorize the tax collector of Covington county, to receive jury certificates only, in payment of taxes:

An act for the relief of Mary M. Wilder:

Joint resolutions in regard to the State of Georgia:

An act to amend the statute of limitations:

An act for the relief of justices of the peace, of the county of Tuscaloosa, and for other purposes:

An act to change the time of holding the Circuit and county courts in the county of Limestone, and for other purposes:

Joint resolutions on the subject of changing the constitution of the United States:

An act to repeal in part an act regulating the drawing of jurors as to the county of Fayette:

An act to authorize the rescission of a certain contract therein named, and for other purposes:

An act to incorporate the trustees of the Female Academy, in the town of Eufaula, in Barbour county:

An act to change the time of holding the county court in the county of Coffee:

A message from the House:

Mr. President—The House concurs in the amendments made by the Senate, to a bill to pay certain claims against the State.

Mr. Terry offered the following protest:

The following protest against the Revenue Law, was entered upon the Journal of the Senate, at the request of the Senators whose names are appended thereto:

The undersigned, Senators from Limestone, Madison, Talladega and Blount, availing ourselves of our constitutional privilege, do, in the most solemn manner, protest against the passage of a bill to be entitled "An Act to provide a Revenue, to defray the expenses of the State Government, and to protect the faith and credit of the State of Alabama."—First, because it is a violation of the Constitution of the State, in this—that all lands in this State subject to taxation, shall be taxed according to their value. This bill taxes land by classification; and in the opinion of the undersigned, is not only a palpable infraction of the constitution, but manifestly unjust and unequal. By the classification system established by this bill, lands are taxed according to quality, and not value. If the language of the constitution was not positive, then the undersigned might have saved themselves the trouble of this protest; but we earnestly invite our fellow-citizens to look calmly at the clause of the constitution above

referred to. If that instrument had used, "may be taxed," instead of "shall be taxed," then we are free to admit that either mode would have been in accordance with the constitution; but the General Assembly has priced all lands of the first quality at sixteen dollars per acre. We have said that we oppose the bill, also, because of its manifest injustice and inequality. To enable ourselves to be understood, suppose a tract of land lying on some cove in Jackson, De Kalb, or Cherokee, in point of quality, equal to any; the law says it belongs to the first class, and must be taxed at sixteen dollars per acre, while, in truth, owing to its location, and the difficulty of getting its productions to market, the same land will not bring five dollars an acre. The people of the several sections of the State have to determine, by comparison, the class to which their lands belong. If it is as rich as any land in the country around them, of course it belongs to the first class; and is, by this bill taxed at sixteen dollars per acre. In one section of the State, for instance, the counties of Montgomery, Lowndes, Perry, Marengo, and Greene, some of the best cotton lands will bring from twenty dollars to thirty dollars per acre—that, too, is put in the first class; and by this bill, is taxed to sixteen dollars per acre. We feelfully sustained and warranted, therefore, in saying, that the bill is manifestly unjust and unequal; because, to our minds, the man living in Jackson, De Kalb, or Cherokee, pays five times as much tax upon the value of his lands, as the man living in Montgomery, Lowndes, Perry, Marengo, or Greene, for the reason that while one pays tax on three times, and over, as much as his land is worth, the other pays tax on less than his land is worth—from four to fourteen dollars per acre.

We oppose the passage of the act because of another constitutional objection. The provisions of the bill to tax the salaries of the Circuit Court Judges in this State twenty cents upon every hundred dollars of their salary. The Constitution says that the salaries of the Circuit Judges shall not be diminished during the time for which they are elected. This bill does undoubtedly diminish their salaries; and we hold that the General Assembly cannot do, indirectly, that which it may not do directly. If this General Assembly have the constitutional power to tax the salaries of Circuit Judges twenty cents upon each hundred dollars, they have the same power to tax each hundred dollars of said salaries fifty dollars, and thus, by indirection, fritter away a plain constitutional provision. We do not pretend to deny, that were the Constitution different, but what it might be just to tax salaries. The undersigned wish not to be understood as opposed to taxation to defray the necessary expenses of the State Government, or to protect the honor and credit of the State, as the caption to the bill recites. By no means: We are willing to do any thing in our power to guard, uphold, and protect the honor of our beloved State, save to violate that oath we have taken, to support the constitution of the country:

We are far from believing, or insinuating, that the majority who passed the bill in question, were not as honest and as conscientious as ourselves in believing that the passage of the bill did not, in any particular, infringe the Constitution; but we swear only for ourselves, and, for the sincerity of our motives, we are alone answerable to our consciences and our God.

The undersigned tried every means in their power, by amendments, to divest the bill of its constitutional and other objections, but the majority, like all other majorities, arrogantly refused their amendments, or even the time prescribed by the constitution for deliberation or reflection which is three days. Said bill provides, that owing to the proximity of any lands in this State, to any city, town, or navigable water course, said lands are more valuable than lands to the class to which they belong. The owner or person giving in the same shall, upon oath, say what his land is worth; and, so far as such persons are concerned, who live in proximity to a city, town, or navigable water course, have, by the act, the ad valorem principle applied to them, whilst the lands of those living remote from a city, town, or navigable water course, are, on account of their remoteness, rendered less valuable than the class to which belong; and, by the provisions of the act, denied the privilege of saying, on oath, what their lands are worth,

The undersigned proposed a substitute, for the purpose of protecting the credit of this State, which met with the same unceremonious fate of the various amendments before alluded to. This bill declares that if the amount raised by it is not sufficient to pay the interest on the State bonds, then the President of the State Bank is to use so much of Alabama Bank notes, as will be sufficient. Why not have authorized the Presidents and Directors to receive good undoubted bills upon Mobile and New Orleans—payable in specie only—in payment of debts due the Banks; raising the damages upon protested bills to twenty per cent. and making it the duty of the President of the State Bank to have applied said bills of exchange to the payment of the interest on the State bonds? And if there should not have been enough of the bills to meet the interest, then to use the Alabama money to raise the balance.

The only difference between the two places is, that so much as would have been collected in specie bills, would have paid that much interest at or near about par; and the whole interest could have been provided for, and paid without incurring the expense of at least fifty assessors, and fifty collectors, amounting, in all, to some thirty or forty thousand dollars—besides the risk of the fidelity of so many collectors and assessors, for it will not be denied, that after the revenue collected from this bill is in hand, at this enormous expense, it has to be put forthwith into circulation again, at a discount and additional expense;

for you had as well carry any other commodity to Europe to pay interest on State bonds, as the notes of the Alabama Banks. Then, we ask, why incur this enormous expense and risk, when the same thing could have been effected without either?

We have drawn out this protest to a much greater length than we intended when we commenced. We, therefore, must close, not because we could not give many additional reasons why this bill should not have passed, and why our plan should, &c.

NATH'L TERRY,
JOHN W. BISHOP,
WILLIAM FLEMING,
MACE T. P. BRINDLEY.

I concur in the foregoing so far as it protests against raising a revenue from the salaries of our judicial officers and the professors and teachers of our University and schools of learning. I protest against taxing the means of education, as novel, inexpedient, and unjust.

D. E. WATROUS.

A message from the House:

Mr. President—The House has adopted joint resolutions in regard to the protective policy, in which they ask the concurrence of the Senate.

Joint resolutions from the House, on the protective policy, was read and adopted.

The yeas and nays were demanded by Mr. Terry. Yeas 12, nays 6.

YEAS—messrs. President, Bishop, Brindley, Creagh, Foster, Hudson, Marchbanks, McClanahan, McVay, Walker of B. Walker of L. and Winston.

NAYS—messrs. Arrington, Dent, Dougherty, Hardaway, Ward and Watrous.

A message from His Excellency:

Mr. President—His Excellency the Governor has approved bills of the following titles, to wit:

An act to change the time of holding the commissioners' court in the counties of Cherokee and Madison:

An act to incorporate the town of Sumterville, in Sumter county:

An act to authorize James Nance to remove the settlement of the estate of Lundy Lee and Pleasant Lee, from the county of Dallas to the county of Pickens:

An act to amend an act to incorporate the Mobile Navigation and Insurance Company, approved fourteenth February, one thousand eight hundred and forty-three:

An act to reduce the salaries of the President, Directors and other officers of the State Bank of Alabama, and its several Branches, and for other purposes:

An act to authorize Philip Lightfoot to erect gates on a certain road therein named :

An act to amend the charter of the town of Gainesville, in Sumter county:

An act for the relief of Jesse Howard, John Agnew, and others:

An act to add a part of the twenty-sixth to the thirteenth regiment of Alabama militia:

An act to incorporate the Rocky Mount Academy in Lowndes county:

An act to incorporate a company for the manufacture of cotton and woolen goods:

An act to authorize the investment of the United States Treasury Notes, being a portion of the two per cent. fund in United States stock:

An act for the relief of Francis G. D. Malempre:

An act to change the time of holding the court in the third district and southern chancery division, and for other purposes:

An act to establish and abolish certain election precincts therein named:

An act for the benefit of Lewis Bishop of Talladega county:

An act to require an extra term of the court to be holden in the third district, southern chancery division, and for other purposes:

An act for the relief of Joseph Guynes, and others:

An act for the better security of vessels and property on the waters of this State:

An act to change the time of holding the circuit court in the second judicial circuit:

An act to authorize brigade encampments, in the sixth brigade, Alabama militia.

An act to authorize the Bank to sell a certain tract of land therein described:

Which originated in the Senate.

Mr. McClanahan, from the committee on enrolled bills, reported as correctly enrolled—

An act to change the time of holding the fall term of the Montgomery circuit court.

The Senate then adjourned till three o'clock.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

A message from His Excellency:

Mr. President—His Excellency the Governor has approved a bill of the following title, viz:

An act to change the time of holding the fall term of the circuit court of Montgomery:

Which originated in the Senate.

Mr. McClanahan, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act in relation to the appointment of overseers, and for other purposes:

An act to form a new beat in Franklin county:

An act to alter the mode of selecting Grand Jurors, in the counties of Dallas, Tallapoosa, Tuscaloosa and Barbour:

An act to amend an act approved first January, one thousand eight hundred and forty-two, entitled an act to prevent the sacrifice of real estate:

Joint resolutions in regard to a portion of the sixteenth section, township twelve, range twenty-three, in Pike county:

An act to rescind the contract of sale of the north half of section sixteen, township sixteen, range twenty-eight, in Russell county:

An act making appropriations for certain claims:

An act to regulate the working of roads in Barbour county:

An act to establish and abolish certain election precincts therein named.

Mr. McVay, from the committee on the part of the Senate, appointed to wait on his Excellency, made the following report:

The joint committee, appointed to wait on His Excellency, the Governor, and inform him that the two Houses had completed the business before them, and were ready to adjourn, *sine die*, report that they have performed that duty, and received for answer, that he has no further communication to make to the General Assembly.

Mr. Dent offered the following resolution, which was unanimously adopted:

Resolved. That the dignified, prompt and impartial manner in which the Honorable NATHANIEL TERRY has presided over the Senate at its present session, entitles him to the cordial thanks of this body.

Mr. McVay then moved that the Senate adjourn *sine die*.

Before putting that question, the Honorable President addressed the Senate in a short and feeling manner, thanking them for their continued confidence, and for the honor conferred on him, and the kind support given him in aiding him to discharge the duties of his office, bidding the Senators an affectionate farewell, and giving them a cordial

welcome to his abode, assuring them that the latch-string should never be found drawn in—and concluded by bearing testimony to the ability, industry and courteous manner in which the Secretaries and the Doorkeeper had performed their duties during this session of the General Assembly.

Wishing each Senator a safe return to the bosom of their families he pronounced the Senate adjourned, *sine die*.

[Signed,]

NATHANIEL TERRY,
President of the Senate.

Attest :

Wm. J. Couch,
Secretary of the Senate.

January 17th, 1844.